

**FILED**  
**02-13-2019**  
**Clerk of Circuit Court**  
**Outagamie County**  
**2013CF001074**

1      STATE OF WISCONSIN                      CIRCUIT COURT                      OUTAGAMIE COUNTY

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2      **STATE OF WISCONSIN,**

3    Plaintiff,

4      v.    **Case No. 13-CF-1074**

5      **CHONG LENG LEE,**

6    Defendant.

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7    **JURY TRIAL - DAY ONE**

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9      BEFORE:                      **HONORABLE GREGORY B. GILL, JR.**  
10    Circuit Court Judge, Branch IV  
11    Outagamie County Justice Center  
    Appleton, WI 54911

12      DATE:                      **February 24, 2016**

14      APPEARANCES:                      **CARRIE SCHNEIDER**  
15    District Attorney  
    Appearing on behalf of the State

16    **ANDREW MAIER and ALEXANDER DUROS**  
17    Assistant District Attorneys  
    Appearing on behalf of the State

18    **DEBORAH VISHNY and EVAN WEITZ**  
19    Attorneys at Law  
    Appearing on behalf of the Defendant

20    **CHONG LENG LEE**  
21    Defendant  
    Appearing in person

22

23

24      Joan Biese  
25      Official Reporter, Branch IV  
            Outagamie County

**I N D E X**

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1                                    **TRANSCRIPT OF PROCEEDINGS**

2                                    THE COURT:    Good morning, everyone.    My  
3                                    name is Gregory Gill.    I am the circuit court judge  
4                                    for Outagamie County Branch IV.    It is my pleasure to  
5                                    be able to welcome you here today.    Likewise, I'd  
6                                    like to welcome you on behalf of the parties, the  
7                                    county, and all the individuals associated with this  
8                                    matter.

9                                    You are here as members of the potential jury in  
10                                   this case, and -- and quite frankly, you are the most  
11                                   important part of this process.    You are the most  
12                                   important part of our legal system.    Because without  
13                                   you, ladies and gentlemen of the jury, we would not  
14                                   be able to have the legal system that we have.    And  
15                                   I'm not understating it when I say that -- that it is  
16                                   truly individuals such as yourselves that allow us to  
17                                   have the system of jurisprudence that we have.    And  
18                                   so, at the outset, I do want to again express my  
19                                   sincere appreciation as well as the appreciation on  
20                                   behalf of the parties for your willingness to be here  
21                                   and to serve as potential members of the jury.

22                                   One of the first matters that we will have today  
23                                   is to swear you in, and then we will begin the actual  
24                                   process of voir dire, and I will explain that a  
25                                   little bit more in detail to you as you go forward.

1           However, what I want you to understand is as we go  
2           through the questioning, first and foremost, if at  
3           any point in time you're not able to hear myself, or  
4           ultimately we will have the attorneys asking  
5           questions, please let us know immediately because it  
6           is -- it is your responses which will help the  
7           parties to formulate who would be appropriate for  
8           service on -- on this particular panel.

9           On that same token, as you are aware, we do have  
10          several people in the jury box. As we start out, you  
11          will be the individuals of whom the questions will be  
12          directed at and we will ask for responses to the  
13          various questions. For those in the gallery, that  
14          does not mean that you are able to pick up your  
15          favorite novel or read or chat to pass the time  
16          because what may happen, and what does happen from  
17          time to time, is I may release a member of this  
18          initial panel or this initial group in which case it  
19          is possible that you would be called up. My first  
20          question to you will then be, have you heard the  
21          questions I've asked up to this point and is there  
22          any question that you would have answered in the  
23          affirmative. And then we'll take our questions from  
24          there. So I would ask that all people keep their  
25          eyes and ears open to the questioning.

1           That said, even though I'm only expecting at  
2           least responses from this initial group as we go  
3           forward, if the individuals in the -- in what I will  
4           call the gallery are unable to hear, please let us  
5           know because even though I won't be expecting, or we  
6           won't be expecting responses from you at the outset,  
7           it is important that you're able to hear the  
8           questions. So if you need us to speak up, or we do  
9           have microphones that we can utilize, please raise  
10          your hand and let us know. Because, again, you are  
11          -- are the most important part of this process that  
12          we have.

13                 With that said, the first thing that I'd like to  
14          do is ask that all of the potential jurors or all the  
15          jurors stand and we will swear you in at this time.

16                         THE CLERK: Please raise your right hands.

17                                 (Clerk administers oath to jury panel.)

18                         THE COURT: All right. And you may be  
19          seated.

20                 Then at this time, even though we have seated  
21          many of you in the jury box and in the seats in front  
22          of the same, what I'm going to do is ask my clerk to  
23          formally call you. If you hear your name and you are  
24          out of place, please let us know because we're trying  
25          to keep -- keep track so that we're able to, when we

1 do have a question for you, we call on the right  
2 person. So if there is out of placement, please let  
3 us know and it will be easy enough that we can  
4 shuffle around. So, Melissa.

5 THE CLERK: No. 7009, Joshua Nieman; No.  
6 6572, Christ Elkendier; No. 7421, John Peterson; No.  
7 6869, Michael Van Deurzen; No. 7138, Steven Kosinski;  
8 No. 7362, Gregory Calmes; No. 403, Chris Parker; No.  
9 6987, Kim Hankemeier; No. 622, Mary Steffen; No. 249,  
10 Janneen Meyer; No. 7102, Jason Wells; No. 7262, Dean  
11 Managan; No. 390, Nicholas Van Dalen; No. 7187, John  
12 Eggers; No. 180, Dale Daelke; No. 6575, Patricia  
13 Erickson; No. 6688, Cassandra Lee; No. 626, Garret  
14 Green; No. 7164, Frank Bloomer; No. 488, Cassie  
15 Micke; No. 6750, Jonathan Nichols; No. 7366, Kenneth  
16 Keleske; No. 34, Emily Vandenberg, No. 7450, Jason  
17 Webster; No. 7481, James Buza; No. 6708, Gary  
18 Manderscheid; No. 7032, Christine Naumann; No. 352,  
19 Gina Paul; first alternate, No. 7355, Nora Hermus;  
20 second alternate, 6968, Adam Schueller.

21 THE COURT: Okay. And it appears that  
22 everyone is still seated in the same order in which  
23 they initially were sat so that at least we've done  
24 our first thing right. So that's good.

25 At this time I would formally call to order the

1 case of *State of Wisconsin v. Chong Lee*.

2 And Mr. Lee does appear in person, along with  
3 his attorneys, Attorneys Deja Vishny and Evan Weitz.  
4 And the State likewise appears in person by Outagamie  
5 County District Attorney Carrie Schneider and  
6 Outagamie County Assistant District Attorney Andrew  
7 Maier.

8 Now, at this point what will happen is we will  
9 begin the questioning, and I will start out asking  
10 the initial questions. And I -- I may ask from time  
11 to time the attorneys to -- to chime in and assist in  
12 questioning, and then, eventually, the attorneys will  
13 ask their own questions of you. Now, while we will  
14 need you to be attentive, if you need to stand up and  
15 stretch, if at some point in time -- and we'll try to  
16 -- I'll try to pay attention as best I can, but if  
17 there gets to be a time where we need to take a break  
18 for restrooms or things of that nature, we will take  
19 those measures because we certainly don't need this  
20 to be a test in mental or physical fortitude for you.  
21 So we'll do our best to make those accommodations for  
22 you. And again, if you need to stand or stretch,  
23 feel free to do so. You don't need my permission.  
24 And you may see the attorneys through the course of  
25 this, we may be going up and down as well.

1           So, with that, what I'd ask to begin with is I'd  
2           ask Attorney Schneider to please read the  
3           information. And the purpose of this is simply to  
4           give you a very generalized idea of what this case is  
5           about.

6           Now, in reading the information, what I want you  
7           to understand is that the information is nothing more  
8           than written formal charges. You're not to consider  
9           this as evidence. It does not raise any inference of  
10          guilt. The simple purpose is to give you a very  
11          generalized idea of what the subject matter is today.

12          And so, Attorney Schneider, at this time I would  
13          ask that you read the information please.

14                 ATTORNEY SCHNEIDER: Thank you.

15          I, Carrie Schneider, District Attorney in and  
16          for Outagamie County, Wisconsin, do hereby inform the  
17          court that:

18          Count 1: The above named defendant, Chong Lee,  
19          on or about Sunday, December 8th, 2013, in the City  
20          of Appleton, Outagamie County, Wisconsin, did cause  
21          the death of Joshua J. Richards with intent to kill  
22          that person.

23          As to Count 2, the above named defendant, Chong  
24          Lee, on or about Sunday, December 8th, 2013, in the  
25          City of Appleton, Outagamie County, Wisconsin, did



1 possess a firearm as a -- subsequent to the  
2 conviction for a crime.

3 As to Count 3, the above named defendant, Chong  
4 Lee, on or about December 12th, 2013, through  
5 February 12th, 2014, Outagamie County, Wisconsin, as  
6 a party to the crime, knowingly and maliciously did  
7 attempt to prevent and dissuade a witness, Paul Lee,  
8 from attending or giving testimony at a trial,  
9 proceeding or inquiry authorized by law where the act  
10 is committed by a person who is charged with a crime  
11 in connection with a trial, proceeding or inquiry for  
12 that crime.

13 Count 4: The above named defendant, Chong Lee,  
14 on December 12th, 2013, through February 12th, 2014,  
15 Outagamie County, Wisconsin, as a party to the crime,  
16 knowingly and maliciously did attempt to prevent or  
17 dissuade a witness, Joe Thor, from attending or  
18 giving testimony at a trial, proceeding or inquiry  
19 authorized by law where the act is committed by a  
20 person who is charged with a crime in connection with  
21 a trial, proceeding or inquiry for that crime.

22 Count 5: The above named defendant, Chong Lee,  
23 on or about December 12th, 2013, through February  
24 12th, 2014, Outagamie County, Wisconsin, as a party  
25 to a crime, knowingly and maliciously did attempt to

1 prevent or dissuade a witness, Melanie Thao, from  
2 attending or giving testimony in a trial, proceeding  
3 or inquiry authorized by law where the act is  
4 committed by a person who is charged with a crime in  
5 connection with a trial, proceeding or inquiry for  
6 that crime.

7 Count 6: The above named defendant, Chong Lee,  
8 on or about December 12th, 2013, through February  
9 12th, 2014, Outagamie County, Wisconsin, as a party  
10 to the crime, knowingly and maliciously did attempt  
11 to prevent or dissuade a witness, Stephanie Thao,  
12 from attending or giving testimony at a trial,  
13 proceeding or inquiry authorized by law where the act  
14 is committed by a person who is charged with a crime  
15 in connection with a trial, proceeding or inquiry for  
16 that crime.

17 Count 7: The above named defendant, Chong Lee,  
18 on or about Saturday, January 25th, 2014, in the City  
19 of Appleton, Outagamie County, Wisconsin, under oath  
20 or affirmation advised another to orally make a false  
21 material statement which the person believed not to  
22 be true in an action or proceeding before a judge, to  
23 wit: as related to Stephanie Thao.

24 THE COURT: Thank you very much, Attorney  
25 Schneider.

1           At this point we're now beginning the formalized  
2           process of voir dire, and to simply let you know,  
3           voir dire is the selection of the jury.

4           Now, as I've mentioned, I'll be asking you some  
5           generalized questions about your qualifications and  
6           then the attorneys will have an opportunity to do the  
7           same. Now, the questions are not meant to -- to pry  
8           into your personal affairs or most intimate details,  
9           they're not designed to embarrass you, they're simply  
10          to ensure that you have no personal vested interest  
11          in the outcome of this case and that you can be fair  
12          and impartial in reaching a verdict. If your  
13          truthful answer to a question is of a very personal  
14          or embarrassing nature, I'd ask that you simply let  
15          me know and we can deal with that in an  
16          individualized voir dire.

17          On that same token, just so that you understand,  
18          after all of the attorneys have asked their  
19          questions, I will come back with a follow-up question  
20          indicating is there any question that has been asked  
21          that you felt uncomfortable answering in a group  
22          setting; and if there is such a scenario, we can  
23          again address that in an intimate and a one-on-one or  
24          with just the attorneys and myself.

25          It is important that you listen carefully, as I

1           have mentioned. I may be required to excuse one or  
2           more of you, in which case members of the jury who  
3           are not seated in the panel at this point in time,  
4           you may be called forward. And as I have mentioned,  
5           my first question will then be, have you heard the  
6           questions to this point and are there any questions  
7           you would have then answered yes to.

8           Now, are there any -- any questions about  
9           anything that I've said up to this point?

10                       (No response.)

11                       THE COURT: Okay. Very good.

12           What I'm going to start out with is the  
13           formalized questions, and the first question that I  
14           have for you, is there anyone here who is not a  
15           resident of Outagamie County?

16                       (No response.)

17                       THE COURT: Is there anyone in the panel  
18           who has been convicted of a felony offense and has  
19           not had their civil rights restored?

20                       (No response.)

21                       THE COURT: Now, as I've mentioned, Mr. Lee  
22           is the defendant in this case. Is there anyone who  
23           is familiar with Mr. Lee or his family?

24                       (No response.)

25                       THE COURT: Now, I've introduced the

1 prosecutors who are directly handling this case, but  
2 I'd also ask, Miss Schneider, if you could identify  
3 the other attorneys in your office, and perhaps if  
4 there are some instrumental staff that you feel would  
5 be appropriate to identify as well.

6 ATTORNEY SCHNEIDER: So now if I don't name  
7 everyone they're going to think that they're not  
8 instrumental to my staff I guess.

9 Assisting us during the proceedings, and I'm  
10 going to ask him to stand because he's seated behind  
11 me, is Alex Duros. He is a prosecutor in my office  
12 as well. My name is Carrie Schneider. I am the  
13 District Attorney. Assisting me during this trial  
14 also will be Andy Maier. He is also an Assistant  
15 District Attorney in our office.

16 The other members of my staff include our Deputy  
17 District Attorney, Melinda Tempelis, Robert Sager,  
18 who is an Assistant District Attorney. I'm going  
19 through the offices here. Kyle Sargent, an Assistant  
20 District Attorney, Zak Buruin, an Assistant District  
21 Attorney, Chuck Stertz, an Assistant District  
22 Attorney, Margaret or Maggie Delain, who is also a  
23 prosecutor and Assistant DA in my office. Darrin  
24 Glad, an Assistant District Attorney, and then Daniel  
25 Tombasco is an Assistant District Attorney in my

1 office.

2 I'm going to name my investigators because  
3 they're the ones I think that are out and about in  
4 the community, so if -- just -- the court is probably  
5 going to ask if you've had any interaction with us.  
6 We have two investigators in our office. They are  
7 Paul Black and Bill Flood. The other more public  
8 faces of my office would include Stephanie Jens, she  
9 is my victim witness coordinator, and Carrie Kuepper,  
10 our office manager.

11 THE COURT: Thank you. And is there anyone  
12 who is either a close family friend or a relative of  
13 any of the individuals who Attorney Schneider has  
14 identified?

15 (No response.)

16 THE COURT: Okay. Is there anyone who has  
17 had frequent or regular interaction with the District  
18 Attorney's office such that it has formed any opinion  
19 for you on whether or not you could be fair and  
20 impartial in this case?

21 (No response.)

22 THE COURT: Okay. Attorney Vishny, briefly  
23 I'm going to ask that you introduce yourself and then  
24 Attorney Weitz and then any members of your staff  
25 that you feel are appropriate.

1 ATTORNEY VISHNY: Thank you.

2 Actually, I'd like to first introduce what I  
3 think is one of the most important people. This is  
4 Chong Lee.

5 THE COURT: I apologize. That was not  
6 intended as an intentional oversight.

7 ATTORNEY VISHNY: Okay. This is Mr. Chong  
8 Lee. I'm Attorney Deja Vishny. This is my  
9 co-counsel --

10 UNIDENTIFIED JUROR: We're having trouble  
11 hearing back here.

12 ATTORNEY VISHNY: I'm Attorney Vishny.  
13 This is Chong Lee, Mr. Chong Lee. Why don't you  
14 introduce yourself.

15 ATTORNEY WEITZ: I'm Attorney Evan Weitz.

16 ATTORNEY VISHNY: Evan Weitz.

17 MR. GATTON: I'm Solomon Gatton, intern  
18 with Deja.

19 ATTORNEY VISHNY: And this is Mr. Charles  
20 Valdes who is an investigator.

21 THE COURT: And once we get into the more  
22 formal questioning when I turn it over to the  
23 attorneys, they'll have a microphone directly in  
24 front of them.

25 So did everyone at least recognize visually the

1 individuals that Attorney Vishny has introduced?

2 (No response.)

3 THE COURT: Okay. Very good. And is there  
4 anyone --

5 UNIDENTIFIED JUROR: Judge, he's behind the  
6 post so none of us could actually see him.

7 THE COURT: I'm sorry. We'll have you come  
8 out center stage. All right.

9 Is there anyone who recognizes anyone, either  
10 Attorney Vishny or alternatively Attorney Weitz or --  
11 or their staff?

12 (No response.)

13 THE COURT: Okay. Very good.

14 Now, through the course of this matter it is  
15 likely in fact we will hear from various witnesses,  
16 and what I'm going to do for you, in no particular  
17 order, is I'm going to let you know who the parties  
18 believe may be witnesses. Now this is simply a  
19 potential witness list. It may mean that we hear  
20 from all of these identified individuals, we may hear  
21 from some of them. But I'm going to go through the  
22 list, and again I'll ask a similar question; and what  
23 I'll do is because I have several names, I'll go  
24 through groups of about five to six each time, ask a  
25 question, and then continue to proceed in that



1 fashion.

2 The first potential witnesses or names that I'm  
3 identifying are Kyle Anderson, Donte Beatty, Sara  
4 Besaw, Alyson Blom, Daniel Campbell, Sarah Clemens,  
5 Kasie Coel, C-O-E-L, Taylor Collar, Samantha  
6 Delfosse, Officer Mallory DePetro.

7 Is there anyone from that list who believes they  
8 may recognize one or more of those individuals as  
9 either family members, close friends, or someone with  
10 whom you've had regular interaction?

11 Okay. And, Mr. Nieman?

12 JUROR NIEMAN: Yes.

13 THE COURT: And of that list, whom was  
14 that?

15 JUROR NIEMAN: Sara Besaw.

16 THE COURT: Okay. Miss Besaw. And do you  
17 -- do you have a regular interaction with Miss Besaw?

18 JUROR NIEMAN: I met her a couple times.  
19 Friend of a friend.

20 THE COURT: Okay. And give -- even though  
21 that you may not have regular interaction with Miss  
22 Besaw, do you have any concerns given that Miss Besaw  
23 may testify about your ability to be fair and  
24 impartial in this case?

25 JUROR NIEMAN: No.

1                   THE COURT: Okay. Very good. Anyone else  
2                   who recognized any of those names?

3                   (No response.)

4                   THE COURT: Then what I'll do is I'll  
5                   continue on with the next listing of individuals.

6                   Officer Lori Duven, Marissa Emenecker, Talisa  
7                   Farias, Lieutenant Michael Gostisha, Taylor Grady,  
8                   Dalinda Guzman, Dr. Douglas Kelley, Charles Kersten,  
9                   Daniel Kersten, Officer Joanna Kolosso.

10                  Of that group is there anyone again who  
11                  recognizes a name as being a close family friend, a  
12                  relative, or someone with whom you've had regular  
13                  interaction?

14                  (No response.)

15                  THE COURT: The next list, Amanda Krohn,  
16                  Officer Sean Kuether, Sergeant Wang Lee, Hu Lee,  
17                  Jenny Lee, Nhia Lee, Paul Lee, Phong Lee, Seng Lee,  
18                  and Teng Lee.

19                  From that group, again, the same question, is  
20                  there anyone who recognizes any of those names as  
21                  being close family friends, relatives, or individuals  
22                  with whom you've had regular interaction?

23                  (No response.)

24                  THE COURT: Tom Lee, Tong Lee, Tou Shoua  
25                  Lee, Watou Lee, Xeng Lee, Xia Lee, Sergeant Brian

1           Leitzinger, Sergeant Matt McQuaid, Sergeant Michael  
2           Medina, Sergeant Cary Meyer.

3           And again the same question for you, from that  
4           group is there anyone who recognizes any names as  
5           being family friends, relatives, or regular  
6           acquaintances?

7                       (No response.)

8           THE COURT: Peter Moua, Officer Adam Nagel,  
9           Jonathan Nielsen, Brittany Olson, Sergeant Todd  
10          Peters, James Phimmachack, Jackie Pische, Officer  
11          Larry Potter, Sergeant Chad Probst, Sergeant Neal  
12          Rabas.

13          And again, from that group does anyone recognize  
14          any names as being relatives, close family friends,  
15          or regular acquaintances?

16                       (No response.)

17          THE COURT: Jared Randall, Adam Richardson,  
18          Sergeant Chad Riddle, Alex Schilling, Sergeant John  
19          Schira, Officer Jay Steinke, Bobby Jo Stutzman,  
20          Lisa Stutzman, Sergeant Daniel Tauber, Sergeant Chue  
21          Thao.

22          And again, the same question for you from that  
23          group, does anyone recognize anyone as being friends,  
24          relatives, or close acquaintances?

25                       (No response.)

1 THE COURT: Johnny Thao, Melanie Thao,  
2 Mickey Thao, Ryan Thao, Stephanie Thao, Xai Thao,  
3 Trent Thomas, Sergeant Kevin Thompson, Joe Thor,  
4 Michael Thor.

5 Is there anyone who recognizes any names as  
6 friends or relatives or acquaintances from that  
7 grouping?

8 (No response.)

9 THE COURT: Officer Blaine VanderWielen,  
10 Dia Vang, Keng Joseph Vang, Kong Vang, Noah Vang,  
11 Michael Verheyden, Sergeant James Wall, Michael Wall,  
12 Letty Xiong, Trooper Ryan Zukowski.

13 Anyone from that group recognized as a family  
14 friend, relative, or close acquaintance?

15 (No response.)

16 THE COURT: Amber Serwe, Avery Schneider,  
17 Ellyn Thern, Jeffrey Decoster, Michael Xiong,  
18 Mitchell Roepcke, Nicholas Almanza, Phillip Moore,  
19 Tori Thern, William Peotter, James Trainum.

20 Does anyone recognize any of those names again  
21 as being friends, relatives, or close acquaintances?

22 (No response.)

23 THE COURT: Now, you have heard me mention  
24 several officers who may be involved as potential  
25 witnesses in this case. Is there anyone who is

1 related by blood or marriage to an individual  
2 associated with any law enforcement agencies?

3 Okay. And that would be?

4 JUROR PARKER: Chris Parker.

5 THE COURT: Mr. Parker? Okay. And, Mr.  
6 Parker, whom is it that you have a relationship with?

7 JUROR PARKER: My son works for Brillion  
8 Police Department.

9 THE COURT: Okay. And understanding that  
10 the Brillion Police Department is not involved in  
11 this case, do you believe that the fact that your son  
12 is involved in law enforcement would have an ability  
13 -- have an effect on your ability to be fair and  
14 impartial in this case, sir?

15 JUROR PARKER: No.

16 THE COURT: Okay. And, Mr. Kosinski?

17 JUROR KOSINSKI: My wife works for Appleton  
18 Police Department.

19 THE COURT: Okay. And you may have  
20 recognized some of the names as Appleton police  
21 officers. Do you feel that the fact that your wife  
22 works for the Appleton Police Department would have  
23 an effect on your ability to be fair and impartial in  
24 this case?

25 JUROR KOSINSKI: No, sir.

1                   THE COURT: And I suppose I should ask,  
2                   because I imagine the parties would ask, in what  
3                   capacity does your wife work for the Appleton Police  
4                   Department?

5                   JUROR KOSINSKI: She's a crossing guard.

6                   THE COURT: Okay. Very good. I apologize.  
7                   And that would be Mr. -- is it Bloomer?

8                   JUROR BLOOMER: Yes. I'm not sure if it --  
9                   my wife works for the office of corrections.

10                  THE COURT: Okay. And what does she do  
11                  with that office?

12                  JUROR BLOOMER: She -- she's handled a lot  
13                  of paperwork. She's not a -- an agent or anything.  
14                  She's handled paperwork.

15                  THE COURT: And do you feel that that  
16                  relationship would affect your ability to be fair and  
17                  impartial in this case?

18                  JUROR BLOOMER: No.

19                  THE COURT: Okay. All right.

20                  Now, expanding the scope of the question a  
21                  little bit more, and I've asked about -- about family  
22                  or relatives, is there anyone who has a very close  
23                  friendship with someone who is involved in law  
24                  enforcement?

25                  (No response.)

1 THE COURT: Okay. And I see -- I see your  
2 hand raised. I thank you for paying attention. If  
3 you get called, I will certainly ask you about that.

4 Now, on that -- on that same question,  
5 understanding that we have potential law enforcement  
6 individuals testifying, is there anyone who feels  
7 that they would, simply because of the profession of  
8 the individuals testifying, that they would give more  
9 credibility to that witness simply because they are  
10 law enforcement officers?

11 (No response.)

12 THE COURT: Okay. Now, is there anyone who  
13 has been a victim of a crime?

14 Okay. And that would be Mr. Schueller?

15 JUROR SCHUELLER: Yup.

16 THE COURT: Okay. And what was the nature  
17 of that offense, sir?

18 JUROR SCHUELLER: Can -- it's personal.

19 THE COURT: Sure. Sure. Let me ask the  
20 first question. Do you feel that that would affect  
21 your ability to be fair and impartial in this case?

22 JUROR SCHUELLER: Not at all.

23 THE COURT: And so what we may do is we may  
24 follow up then with you in an individual voir dire  
25 situation, but I -- I thank you for that disclosure.

1                   Did I miss anyone else? That would be Miss  
2                   Meyer?

3                   JUROR MEYER: Yes.

4                   THE COURT: And do you feel comfortable  
5                   disclosing that or would you like to do that again in  
6                   a more personal --

7                   JUROR MEYER: Yup. Personal.

8                   THE COURT: Okay. First -- first question  
9                   I have for you, however, is do you feel that you  
10                  would be able to be fair and impartial and listen to  
11                  the facts of this case based simply on the facts of  
12                  the case?

13                  JUROR MEYER: Yes.

14                  THE COURT: Okay. Did we miss anyone?

15                  (No response.)

16                  THE COURT: Okay. Now -- and I suppose I  
17                  should expand that question. Is there anyone who has  
18                  had a close family friend or a close relative who's  
19                  been a victim of a crime such that you feel it would  
20                  affect your ability to be fair and impartial in this  
21                  case?

22                  (No response.)

23                  THE COURT: Okay. Now, you've heard a  
24                  little bit about this case from -- from Attorney  
25                  Schneider who read the information to you. There may



1           have been -- at some point in time there may have  
2           been some news coverage in the form of the newspaper  
3           or television. You've heard me identify the case.  
4           Is there anyone who has any information about this  
5           case that they have garnered outside of this case?  
6           Have you read any newspaper articles, have you  
7           watched any television stories about this? And  
8           that's not to suggest that there have been or haven't  
9           been, I'm simply asking have any of you seen  
10          anything, read anything that has -- has caused you to  
11          go, oh, I think I know a little bit about this case?

12                 Okay. Let me just hold on. Mr. Kosinski.

13          Okay. And then I also had Mr. Buza?

14                         JUROR MANDERSCHIED: No. Manderscheid.

15                         THE COURT: I'm sorry, Mr. Manderscheid.

16          My apologies.

17                 All Right. Mr. Eggers?

18                         JUROR EGGERS: Yup.

19                         THE COURT: And Mr. Van Dalen?

20                         JUROR VAN DALEN: Yes.

21                         THE COURT: Anyone else that we have  
22          missed?

23                 Oh, okay. Mr. Daelke.

24                 Okay. Now, what I'm going to do at this time,  
25          because of that, just so that you understand, is I'm

1           going to ask that we conduct individual voir dire;  
2           and the reason is because in a group setting, I'll be  
3           asking questions, and I don't want the answers to  
4           have anyone else go, oh, wait a minute, this now  
5           gives me information about the case. So what we're  
6           going to do is I'm going to ask the attorneys and  
7           myself, what we will do is we're going to go into a  
8           separate jury room.

9           I'd ask that you, as members of the jury, that  
10          you stay in the courtroom but feel free to stand up.  
11          For those in the jury, just make sure you find your  
12          seats again. Okay? And then what we'll do is we'll  
13          call you one at a time back, ask our individual  
14          questions, have you come back into the courtroom, and  
15          then eventually we will then resume as our group  
16          setting again. Okay?

17                 ATTORNEY SCHNEIDER: Are we going to take  
18          the two -- both topics of prior victim of a crime and  
19          the second?

20                 THE COURT: I think that's the most  
21          efficient way to do it, yes.

22                 Okay. And what I'll do -- what I'm going to ask  
23          is, because it's logistically easier, why don't we  
24          have the parties, we'll go out through this back door  
25          and that way we can go directly into the courtroom.

1 And I'll lead the group out here.

2 (Proceedings held outside the presence of  
3 the jury panel.)

4 (Mr. Schueller enters.)

5 THE COURT: Mr. Schueller, you had  
6 identified a subject that you were the victim of a  
7 crime that you felt uncomfortable answering in a  
8 group setting. This is at least a smaller group.

9 JUROR SCHUELLER: Yeah.

10 THE COURT: So what would you -- what would  
11 you like to share with us, sir?

12 JUROR SCHUELLER: When I was younger I was  
13 sexually abused as a child.

14 THE COURT: Okay.

15 JUROR SCHUELLER: And that was in  
16 Washington County.

17 THE COURT: Okay. And was that case  
18 ultimately prosecuted?

19 JUROR SCHUELLER: It was outside of the  
20 courtroom. They made a deal.

21 THE COURT: Okay. And would that  
22 experience, understanding that these types of charges  
23 are entirely different from that, do you feel that  
24 you would be able to be fair and impartial in this?

25 JUROR SCHUELLER: I do.

1                   THE COURT:   Okay.   What I'm going to do  
2                   simply, so that even though I've been asking the  
3                   questions up to this point, I'm going to give each of  
4                   the attorneys an opportunity if there is any  
5                   follow-up questions that you have.

6                   ATTORNEY SCHNEIDER:   I don't have any.  
7                   Thank you.

8                   THE COURT:   Attorney Vishny?

9                   ATTORNEY VISHNY:   Were you satisfied with  
10                  the way that case was handled?

11                  JUROR SCHUELLER:   To be honest, no.

12                  ATTORNEY VISHNY:   Okay.   And -- and that's  
13                  fine, the fact that ultimately you were not happy  
14                  with the way it got resolved.   How, if any way, would  
15                  that impact on you as a juror in a criminal case?

16                  JUROR SCHUELLER:   I don't think it would.  
17                  Nothing went to jury or anything like that.

18                  ATTORNEY VISHNY:   Right.

19                  JUROR SCHUELLER:   I don't think honestly it  
20                  would affect me.

21                  ATTORNEY VISHNY:   Okay.   All right.   Thank  
22                  you very much.

23                  JUROR SCHUELLER:   No problem.

24                  THE COURT:   Thank you, Mr. Schueller.

25                  (Mr. Schueller exits; Miss Meyer enters.)

1 THE COURT: All right. Miss Meyer, how are  
2 you?

3 JUROR MEYER: Good.

4 THE COURT: So you had raised your hand to  
5 a question that you wanted to answer in a smaller  
6 setting?

7 JUROR MEYER: Yes. About 2014 my  
8 children's father had choked my husband in the  
9 hallway, and I believe you were -- now that I think  
10 back, you were on the case for that.

11 THE COURT: And that experience -- first  
12 I'll ask about just the experience itself. Do you  
13 feel that -- and again, understanding that those --  
14 those charges are much different than what we have  
15 today --

16 JUROR MEYER: Yes.

17 THE COURT: -- do you feel that you would  
18 be able to look at this case fairly and impartially?

19 JUROR MEYER: Yes.

20 THE COURT: And the next question, because  
21 if I understood correctly, the Outagamie County  
22 District Attorney did prosecute the case?

23 JUROR MEYER: Yes.

24 THE COURT: Do you feel that that would  
25 affect your ability to look at this case fairly and

1           impartially?

2                   JUROR MEYER: Yes -- well, no. I shouldn't  
3 say that wouldn't affect me at all. No.

4                   THE COURT: Okay. All right. Okay.  
5 Attorney Schneider?

6                   ATTORNEY SCHNEIDER: It's a case that was  
7 handled by Assistant DA Duros?

8                   JUROR MEYER: I believe so, yes.

9                   ATTORNEY SCHNEIDER: And that's his, I  
10 think, recollection too. That case did not proceed  
11 to trial though, correct?

12                  JUROR MEYER: It did not.

13                  ATTORNEY SCHNEIDER: Is there anything  
14 about that experience, whether it's because you  
15 likely got court notices, you probably had to come,  
16 we probably canceled your subpoenas for trial at  
17 times, is there anything about that process --

18                  JUROR MEYER: Yeah. There are things that  
19 were missed. He was supposed to have certain  
20 counseling and other things. He got basically a slap  
21 on the wrist considering he had done that to me in  
22 the past and it got dismissed back in '97, '96.

23                  ATTORNEY SCHNEIDER: Okay. But is there  
24 anything about that that's going to impact your  
25 ability to sit --

1 JUROR MEYER: No.

2 ATTORNEY SCHNEIDER: That's all we ask.

3 Thanks, Miss Meyer.

4 THE COURT: Attorney Vishny?

5 ATTORNEY VISHNY: Nothing.

6 THE COURT: All right. Thank you very  
7 much.

8 (Miss Meyer exits; Mr. Kosinski enters.)

9 THE COURT: Mr. Kosinski?

10 JUROR KOSINSKI: Yes.

11 THE COURT: You had raised your hand about  
12 having some familiarity with the case. What can you  
13 tell us that you're familiar with?

14 JUROR KOSINSKI: It's mostly what I read in  
15 the newspaper.

16 THE COURT: Okay.

17 JUROR KOSINSKI: I remember reading about  
18 -- I believe it was the Luna Lounge, that he went in  
19 and shot a guy. Or I don't remember all the details  
20 of it, but that's what I --

21 THE COURT: And when did you read those  
22 articles or see --

23 JUROR KOSINSKI: There was just one  
24 recently that I read last week I think, but mostly it  
25 was from around the time when it happened.

1 THE COURT: Okay. And having -- having  
2 read those articles, has that formulated any opinion  
3 for you on how you think you would view this case?

4 JUROR KOSINSKI: Yeah. Probably.

5 THE COURT: Do you -- and again,  
6 understanding that a newspaper only has part of the  
7 story, do you think you would be able to set aside  
8 those ideas and look at this fairly and impartially  
9 and with an open mind?

10 JUROR KOSINSKI: I think I could. Yes.

11 THE COURT: Attorney Schneider.

12 ATTORNEY SCHNEIDER: So you kind of -- to  
13 summarize, there were probably some articles closer  
14 to when it happened that you recall reading?

15 JUROR KOSINSKI: Yes.

16 ATTORNEY SCHNEIDER: And then you said one  
17 recently?

18 JUROR KOSINSKI: Yeah.

19 ATTORNEY SCHNEIDER: Do you remember  
20 anything about the content of it other than Luna  
21 Lounge shooting that you previously mentioned?

22 JUROR KOSINSKI: No. I knew that the trial  
23 was coming up.

24 ATTORNEY SCHNEIDER: Okay.

25 JUROR KOSINSKI: But beyond that, not



1           really.

2                   ATTORNEY SCHNEIDER: I don't think any  
3           follow-up.

4                   THE COURT: Attorney Vishny?

5                   ATTORNEY VISHNY: Yeah. You said that you  
6           thought it had an impact on your opinion, and I want  
7           to ask what that is.

8                   JUROR KOSINSKI: Well, I mean, judging by  
9           what I read, I would say that I think that he's -- he  
10          did the crime and so therefore, I guess, he's rightly  
11          been arrested.

12                  ATTORNEY VISHNY: Okay. So -- I'm going to  
13          ask you a little bit more about that, but I just want  
14          to make it clear, because I know you're really trying  
15          to be tactful and I so appreciate that, but there are  
16          just no right or wrong answers here. The only wrong  
17          answer is to not say what you feel, and nobody is  
18          judging you for anything. Okay?

19                  So what I'm hearing you say, if I'm getting it  
20          right, is basically you feel the right person was  
21          arrested and you feel he's guilty?

22                  JUROR KOSINSKI: Yes.

23                  ATTORNEY VISHNY: Okay. And there is  
24          nothing wrong with your feeling, I just want to say  
25          that. Okay? And, you know, people come to this

1 world with opinions, and because you believe that, is  
2 it fair to say that that is an opinion you've held  
3 for quite some time, you know, since the original  
4 arrest?

5 JUROR KOSINSKI: I would say yes, that's  
6 fair to say.

7 ATTORNEY VISHNY: And did the recent  
8 article you read in the newspaper, did that make your  
9 opinion stronger that he's guilty?

10 JUROR KOSINSKI: It didn't really change  
11 it.

12 ATTORNEY VISHNY: Okay. All right. But do  
13 you remember the details about what you read recently  
14 in the newspaper?

15 JUROR KOSINSKI: The recent one?

16 ATTORNEY VISHNY: Yes.

17 JUROR KOSINSKI: No, just that it's when --  
18 it said when he was going to be on trial and it just  
19 kind of -- I just kind of read it and --

20 ATTORNEY VISHNY: So given that you think  
21 that he's guilty, is it your feeling that that's the  
22 lens you're going to look at this trial through, you  
23 know, I think the guy did it and I'm going to watch  
24 them prove it. And again, there's nothing wrong with  
25 that.

1 JUROR KOSINSKI: To be completely fair to  
2 him, I would have to say probably yes.

3 ATTORNEY VISHNY: Okay. If you were in  
4 this situation and it was your loved one who was on  
5 trial, okay, and I'm just going to be real out there  
6 with this, do you think it would probably be better  
7 if you weren't on that jury with those views? Do you  
8 see what I'm trying to ask you?

9 JUROR KOSINSKI: I do.

10 ATTORNEY VISHNY: Yeah. Would you want  
11 yourself on the jury for --

12 JUROR KOSINSKI: Probably not.

13 ATTORNEY VISHNY: Probably not. And given  
14 your feelings about this, is it your opinion that it  
15 is probably more fair to Mr. Lee that you don't sit  
16 on the jury?

17 JUROR KOSINSKI: I would say yes.

18 ATTORNEY VISHNY: Okay. And, you know,  
19 it's okay to have a deeply held belief, but the fact  
20 that we tell you to change your mind, I know that --  
21 that's not going to make you change your mind, right?

22 JUROR KOSINSKI: Right.

23 ATTORNEY VISHNY: Thank you so much for  
24 sharing your feelings with us. I appreciate it.

25 THE COURT: And just to follow up, sir, and

1 I -- I know I asked you, and I -- and again, I'm glad  
2 Attorney Vishny clarified that, I think everybody  
3 says I really want to be fair and impartial and  
4 open-minded; as we've asked a few more questions,  
5 what is your honest sentiment about you're able to --  
6 your ability to look at this case essentially with a  
7 clean slate?

8 JUROR KOSINSKI: I would probably say that  
9 I can't.

10 THE COURT: Okay.

11 JUROR KOSINSKI: I mean to be completely  
12 fair to him, which I want to do, I would say that I  
13 probably would not be a good choice for that.

14 ATTORNEY SCHNEIDER: And there is nothing  
15 wrong with that, we just want you to be open and  
16 honest about what your feeling is. My brother would  
17 never be a good juror, so I just -- that's fine.

18 THE COURT: And there is -- and again, I'm  
19 glad the attorneys have mentioned this, there is no  
20 wrong answer. We -- so there is nothing to feel bad  
21 about your answers. The honest answers are the right  
22 answers. So that is perfectly fine. Okay? All  
23 right. Thank you.

24 (Mr. Kosinski exits.)

25 ATTORNEY VISHNY: Okay. So here's what my

1 feeling is, I'm going to move to strike him for  
2 cause.

3 ATTORNEY SCHNEIDER: I don't --

4 THE COURT: I was going to do it sua  
5 sponte.

6 ATTORNEY VISHNY: I know, but what I would  
7 like to do is to not have that told to anybody. Is  
8 there a possibility that we can not do that until  
9 after we ask them about Luna, because I'm worried  
10 jurors will say I'd like to be on that trial.

11 THE COURT: I think what we do, and I  
12 should have told -- Melissa doesn't know this. We're  
13 going to sit him back down and then what we'll do is  
14 after we're done asking all the questions, then I'll  
15 say, at this point in time I'm going to release A, B,  
16 C and D.

17 ATTORNEY VISHNY: So that's going to be  
18 after we're done, something --

19 THE COURT: No, after I'm done asking about  
20 the Luna questions. We'll do Luna, we'll bring  
21 everybody back, and we'll figure out all the group  
22 that we need to remove.

23 ATTORNEY VISHNY: All right.

24 ATTORNEY SCHNEIDER: Got it.

25 (Mr. Parker enters.)

1 THE COURT: Mr. Parker, how are you, sir?

2 JUROR PARKER: Good.

3 THE COURT: So, Mr. Parker, you had  
4 answered yes to a question about some familiarity  
5 with this case, and can you share with us what that  
6 -- what that knowledge is?

7 JUROR PARKER: Actually, I did not. I  
8 answered the question that my son was a police  
9 officer.

10 THE COURT: I apologize.

11 ATTORNEY SCHNEIDER: See, I didn't think he  
12 flinched. You both said you thought he did.

13 ATTORNEY VISHNY: I wrote the word news  
14 down.

15 THE COURT: I had my X circled.

16 JUROR PARKER: I think there was a guy in  
17 front of me that did.

18 ATTORNEY SCHNEIDER: There is.

19 THE COURT: Yes. Okay.

20 ATTORNEY SCHNEIDER: Well we got you a few  
21 steps in for the day.

22 JUROR PARKER: Facial expression I should  
23 have made?

24 ATTORNEY VISHNY: No. We can't see all the  
25 way back there.

1                   ATTORNEY SCHNEIDER: I think we can send  
2                   him back then.

3                   THE COURT: Okay. Thanks.

4                   (Mr. Parker exits; Mr. Van Dalen enters.)

5                   THE COURT: Mr. Van Dalen, how are you,  
6                   sir?

7                   JUROR VAN DALEN: Good.

8                   THE COURT: So you had -- you had answered  
9                   yes to the question that you had some familiarity  
10                  about the case?

11                  JUROR VAN DALEN: Yup.

12                  THE COURT: And can you let us know what is  
13                  it -- what information do you believe you've garnered  
14                  through the media and where the source of that was?

15                  JUROR VAN DALEN: I probably heard it on  
16                  the radio. I listen to a lot of radio, news radio.  
17                  I believe it had -- I heard about the incident  
18                  happened on College Avenue, I think it was the  
19                  nightclub Wet, the parking lot; and then I heard this  
20                  morning that the trial was going to start today and  
21                  be about an eight-day trial. I heard that on the  
22                  news this morning.

23                  THE COURT: And any -- any other specifics  
24                  that you can recall about this case?

25                  JUROR VAN DALEN: No, not that I can think

1 of, no.

2 THE COURT: Now, you did identify some of  
3 the -- some familiar aspects or what you felt were  
4 familiar aspects of it. Do you feel that that is in  
5 any way going to affect your ability to be fair and  
6 impartial in this case?

7 JUROR VAN DALEN: No, I don't think so.

8 THE COURT: Have you formed any  
9 preconceived ideas about this case or the outcome?

10 JUROR VAN DALEN: No, not really, no.

11 THE COURT: Attorney Schneider.

12 ATTORNEY SCHNEIDER: Do you think you heard  
13 some of those news stories when it happened or more  
14 recently or both?

15 JUROR VAN DALEN: Probably both. I do  
16 remember it when it happened. I do remember hearing  
17 about it then, yeah.

18 ATTORNEY SCHNEIDER: Okay. I don't have  
19 anything else.

20 THE COURT: Attorney Vishny?

21 ATTORNEY VISHNY: Since you've heard about  
22 it both, is there any feeling that you're -- and I  
23 just want to make sure, there is no right or wrong  
24 answers here.

25 JUROR VAN DALEN: Sure.



1                   ATTORNEY VISHNY: So was there any feeling  
2                   like, yeah, they caught the guy, they got the right  
3                   guy? Do you have any feeling like that?

4                   JUROR VAN DALEN: No. I guess I couldn't  
5                   really say that because I wouldn't know if they have  
6                   the right guy.

7                   ATTORNEY VISHNY: Okay. All right. Very  
8                   good. Thanks.

9                   THE COURT: Thank you, sir.

10                  (Mr. Van Dalen exits; Mr. Eggers enters.)

11                  THE COURT: Mr. Eggers, how are you, sir?

12                  JUROR EGGERS: Good. How are you?

13                  THE COURT: Great.

14                  You had answered yes to the question about  
15                  feeling like you had some familiarity based on media  
16                  coverage or something of that nature?

17                  JUROR EGGERS: Yes.

18                  THE COURT: And can you share with us what  
19                  you -- what you believe you heard and sort of where  
20                  and when you heard those things as well?

21                  JUROR EGGERS: I remember the incident.  
22                  I'm an avid listener of the news so I watch all the  
23                  time. I grew up a half a block from here, which is  
24                  now a parking lot, but I used to go to that place  
25                  that used to be the Viking Theatre, which was a

1 theatre at the time, so I used to always go there,  
2 and I just remembered it that way. And -- and, you  
3 know, I just felt bad that it happened because so  
4 close to Christmas.

5 THE COURT: Sure.

6 JUROR EGGERS: And I guess that's all I  
7 really have to say.

8 THE COURT: Okay. Have you seen anything  
9 recently in the media or was it largely early on  
10 or --

11 JUROR EGGERS: I did hear from someone at  
12 work that there's a case coming up, that you remember  
13 that murder case at the old Viking Theatre, and that  
14 was the last I've heard of it.

15 THE COURT: Okay. Have you -- have you,  
16 based on what you've heard and perhaps seen, have you  
17 formulated any opinions about this case?

18 JUROR EGGERS: No. I can honestly say that  
19 I understand that the defendant is innocent until  
20 proven guilty, and I don't feel that this would cause  
21 my judgment to sway any way.

22 THE COURT: Okay. Attorney Schneider.

23 ATTORNEY SCHNEIDER: I don't have any  
24 follow-up. Thank you.

25 THE COURT: Attorney Vishny?

1                   ATTORNEY VISHNY: Okay. So I'm gathering  
2                   you didn't like say, oh, good, they got the guy, it's  
3                   the right guy. Did you feel that way when you read  
4                   about the arrest or about it?

5                   JUROR EGGERS: If I recall it took a few  
6                   days, and I was hoping at least -- at least a few  
7                   days to apprehend an individual, but I was hoping  
8                   that it would -- he would be caught and brought to  
9                   justice.

10                  ATTORNEY VISHNY: Okay. So since you're  
11                  hoping the person who did it -- I mean we all -- by  
12                  the way, I want to just tell you there is no right or  
13                  wrong answers here at all. I mean we all hope when  
14                  something horrible happens that the right person is  
15                  brought to justice, so obviously the police made an  
16                  arrest and a crime has been charged.

17                  JUROR EGGERS: Um-hum.

18                  ATTORNEY VISHNY: Do you come into this  
19                  feeling like you know they got the right guy, I'm  
20                  really glad, I think he's guilty at all?

21                  JUROR EGGERS: No.

22                  ATTORNEY VISHNY: Okay. So, all right.  
23                  Thank you. Just thought I'd mention that. Thank you  
24                  very much.

25                  THE COURT: Thank you, sir.

1 ATTORNEY SCHNEIDER: Thank you.

2 (Mr. Eggers exits; Mr. Daelke enters.)

3 THE COURT: Mr. Daelke, how are you, sir?

4 JUROR DAELKE: Oh, not too bad.

5 THE COURT: We had seen that you raised  
6 your hand on being familiar with some of the media  
7 coverage.

8 JUROR DAELKE: Yup.

9 THE COURT: And can you let us know what  
10 you've seen and when you've seen it and any specifics  
11 about that.

12 JUROR DAELKE: I thought I saw it when it  
13 first happened on the television and later reports on  
14 it, so, you know, what happened there.

15 THE COURT: Anything -- have you seen  
16 anything recently or is this largely when it  
17 happened?

18 JUROR DAELKE: This morning when I was  
19 coming in here they had it on the radio that there  
20 was going to be a jury selection today.

21 THE COURT: And now, based on what you've  
22 heard and what you may have seen, have you formulated  
23 any opinions about this case?

24 JUROR DAELKE: Yup.

25 THE COURT: And what opinions have you

1           formulated?

2                   JUROR DAELKE: Well, according to what I  
3           heard, he's guilty.

4                   THE COURT: And let me -- let me ask you --  
5           let me preface this. Attorney Vishny has often  
6           mentioned this and I'll steal some of her thunder,  
7           there is no wrong answer here, so you -- all -- the  
8           only right answer is an answer you give, and so I  
9           don't want you to feel that I'm expecting you to  
10          answer one way or the other. All we want is an  
11          honest answer. That's the only answer.

12                  Now, you had mentioned that you thought you've  
13          already formulated an opinion.

14                  JUROR DAELKE: Yup.

15                  THE COURT: And it is -- and so can you  
16          expand on what -- what are your thoughts right now?

17                  JUROR DAELKE: Right now I think he did,  
18          according to what, you know, what I all heard on the  
19          television and read in the paper about it.

20                  THE COURT: Okay. And do you -- do you  
21          think that you would be able to set that aside and  
22          look at this with a clean slate or do you think that  
23          would be pretty difficult for you to do based on what  
24          you've seen and heard?

25                  JUROR DAELKE: Be kind of difficult.

1 THE COURT: Okay. Attorney Schneider.

2 ATTORNEY SCHNEIDER: Is it something, Mr.  
3 Daelke, that when you first heard some of the news  
4 reports you formed that opinion or has that developed  
5 only recently?

6 JUROR DAELKE: Right away when I first  
7 heard it, the information that they gave, you know,  
8 they caught him or whatever.

9 ATTORNEY SCHNEIDER: And is it something  
10 that even if the court were to instruct you you  
11 should ignore those news articles or the TV, do you  
12 think you would still hold that opinion if you had to  
13 go back and deliberate?

14 JUROR DAELKE: Well, I don't know how I  
15 could, but, you know, once you hear it, it's kind of  
16 hard to forget it or, you know, say something  
17 different.

18 ATTORNEY SCHNEIDER: That's perfect. We  
19 just want you to answer us honestly rather than not  
20 and get up there and think of something else.

21 ATTORNEY VISHNY: Judge, do I need to ask  
22 any questions?

23 THE COURT: No. I think Attorney Schneider  
24 has covered most of them.

25 ATTORNEY VISHNY: All right.

1 THE COURT: Thank you very much.

2 ATTORNEY SCHNEIDER: Thank you.

3 ATTORNEY VISHNY: Yeah. I'll ask you that.  
4 If I already think that you think for cause, I'm not  
5 going to ask anymore questions.

6 THE COURT: I appreciate that.

7 (Mr. Daelke exits; Mr. Manderscheid  
8 enters.)

9 THE COURT: Mr. Manderscheid, how are you,  
10 sir?

11 JUROR MANDERSCHIED: Good.

12 THE COURT: Good. So we had asked the  
13 question about whether you had some familiarity based  
14 on media or television, and what we'd like to know --  
15 and I'll preface this; and again, I only know the  
16 question to ask because counsel has asked this before  
17 me, but the only answer -- the only thing you have to  
18 worry about is being honest. There is no wrong  
19 answer as long as it's honest. That's all we ask.  
20 Don't -- don't have any -- I don't want you to have  
21 any notion that we expect a certain answer one way or  
22 the other.

23 JUROR MANDERSCHIED: Okay.

24 THE COURT: So can you start out by telling  
25 us what the media is you've seen and when you've seen

1 the media?

2 JUROR MANDERSCHEID: Okay. This is the  
3 case from -- that happened at the Luna Lounge?

4 THE COURT: Yes, sir.

5 JUROR MANDERSCHEID: Basically covered it  
6 in the newspaper, all the articles, kind of  
7 fascinated by it, read through basically all of them  
8 that were in the paper and anything I seen on the TV  
9 news.

10 THE COURT: Have you seen anything  
11 recently?

12 JUROR MANDERSCHEID: Not very recently, no.  
13 Been a while.

14 THE COURT: Okay. And so you have a  
15 general idea of what the case is about. Have you --  
16 have you formulated an opinion at this point the  
17 police have arrested the right person, whether they  
18 have the wrong person, do you have a clean slate,  
19 where do you feel?

20 JUROR MANDERSCHEID: Based on everything I  
21 read and seen, yes, he did.

22 THE COURT: And do you think you would be  
23 able to set that aside and look at this with a clean  
24 slate or do you think that, by way of example, if we  
25 were to begin, or you were to begin deliberations,



1           that in the back of your mind you would already be  
2           started with the idea of I think he's guilty?

3                   JUROR MANDERSCHIED: I -- I think I have  
4           kind of a strong feeling on what I feel.

5                   THE COURT: Okay.

6                   JUROR MANDERSCHIED: So I do think it would  
7           be hard.

8                   THE COURT: It would be hard for you to  
9           overcome that sentiment?

10                  JUROR MANDERSCHIED: I don't -- I can't  
11           say, obviously, until it starts, but I -- I did  
12           follow quite closely and I did form an opinion.

13                  THE COURT: Okay. And even if I were to  
14           instruct you and say, Mr. Manderscheid, I want you to  
15           set all that aside --

16                  JUROR MANDERSCHIED: I mean I can't say  
17           that I couldn't, but I -- I can't say that I could.

18                  THE COURT: Okay. And again, I'll -- I'll  
19           steal counsel's thunder on this. If, by way of  
20           example, someone you loved and cared about were on  
21           trial, understanding that -- that you have opinions,  
22           would you want you to be on that jury panel? Does  
23           that question make sense?

24                  JUROR MANDERSCHIED: Yeah. You're saying  
25           if my family member were in the -- were on trial and

1           somebody in the jury had -- had already formed an  
2           opinion?

3                   THE COURT: Or knowing your opinions as you  
4           have, would you feel comfortable saying, okay, I'd  
5           want someone just like me on the panel?

6                   JUROR MANDERSCHIED: Probably not.

7                   THE COURT: Okay. Very good. And again,  
8           those are all right answers. There is no wrong  
9           answer here.

10                  Attorney Schneider, do you have any questions?

11                   ATTORNEY SCHNEIDER: And, Mr. Manderscheid,  
12           it might just be that you read the paper and are  
13           interested in the local news. Was it -- was there  
14           any particular reason why you were reading the  
15           articles; or I think you said you were kind of  
16           fascinated by it?

17                   JUROR MANDERSCHIED: Just I watch a lot of  
18           court shows and, you know, interested in that sort of  
19           thing.

20                   ATTORNEY SCHNEIDER: Okay. I don't have  
21           any other questions. Thank you.

22                   THE COURT: Okay.

23                   ATTORNEY VISHNY: I don't have anything.

24                   THE COURT: Okay.

25                   ATTORNEY VISHNY: Thank you very much, sir.

1                   ATTORNEY SCHNEIDER: I think that's it. So  
2                   I think what we do is go back and say I'm just going  
3                   to give you a little bit of more information that may  
4                   give you some more facts and details about what  
5                   you're going to hear about, you'll hear the shooting  
6                   happened at the Luna Lounge, downtown Appleton.

7                   THE COURT: Right.

8                   ATTORNEY SCHNEIDER: And give them a little  
9                   bit and say, now, having given you that information,  
10                  is there anyone else. I don't know if you have a  
11                  different way you want it phrased but --

12                  ATTORNEY VISHNY: What were you going to  
13                  say?

14                  ATTORNEY WEITZ: I was just thinking, after  
15                  giving them some additional facts, rather than go,  
16                  now does anyone feel like they already know about  
17                  this case.

18                  THE COURT: I think that's a good way.

19                  ATTORNEY VISHNY: But I think he's going to  
20                  mention Luna.

21                  ATTORNEY WEITZ: I know.

22                  THE COURT: That's the tie-in.

23                  ATTORNEY WEITZ: But after that just --

24                  ATTORNEY SCHNEIDER: And then just say,  
25                  having said that, does that -- does anyone now have a

1 memory of reading or hearing anything about this  
2 case.

3 THE COURT: All right. That's fine.

4 (In open court.)

5 THE COURT: Again, I appreciate everyone's  
6 patience.

7 The next question is -- it seemed a little more  
8 appropriate to give a little more information about  
9 the case. You heard Attorney Schneider give you some  
10 generalized information about the case, but it may be  
11 helpful for you to know this -- the incident for  
12 which we are here today took place at the Luna Lounge  
13 which is in downtown Appleton. It is -- I believe it  
14 is now Nakashima's restaurant is what I believe it  
15 is. Oh, Katsu Ya. I hope it's the same owner.  
16 Katsu Ya. But in any event, I thought that that  
17 might be helpful for you because you heard the date,  
18 which was in early of -- late 2013, early 2014, but  
19 hearing the name of the location may be able to give  
20 you some more insight into whether or not you  
21 recalled the incident in any capacity, and so now  
22 having that little bit of detail, does that shed any  
23 additional light for you in terms of whether you  
24 recall any media information or whether you recall  
25 any specifics about this case?

1                   Okay. Let me get my pen out here. So we have  
2 Miss Hermus?

3                   JUROR HERMUS: Yes.

4                   THE COURT: And then Mr. Elkendier and Miss  
5 Hankemeier, correct?

6                   JUROR HANKEMEIER: Correct.

7                   THE COURT: Anyone else?

8                   Okay. And that would be Mr. Van Deurzen,  
9 correct?

10                  JUROR VAN DEURZEN: Yes.

11                  THE COURT: Wonderful. Anyone --

12                  JUROR PARKER: I saw it on the news.

13                  THE COURT: Okay. Mr. Parker. So we have  
14 Mr. Elkendier, Mr. Van Deurzen, Mr. Parker, Miss  
15 Hankemeier, correct, and Miss Hermus. Did I miss  
16 anyone?

17                  (No response.)

18                  THE COURT: Okay. Wonderful. So what  
19 we're going to do is we're going to conduct the same  
20 type of individual inquiry. I should mention, and I  
21 apologize I did not mention this before, if anyone  
22 needs to use a restroom break, that's absolutely  
23 fine. So feel free to do that. Feel free to get up  
24 and stretch. We'll continue with our individual  
25 discussions and then we should be back momentarily.

1           Okay.

2                               (Proceedings held outside the presence of  
3       the jury panel.)

4                               (Miss Hermus enters.)

5                               THE COURT:   Hi, Miss Hermus.   How are you  
6       today?

7                               So once I had given the reference to the  
8       location, that may have triggered some familiarity  
9       with the case.   And what can you -- what do you  
10      believe you recall or -- and then can you let us know  
11      when you may have seen this in print or paper or --

12                              JUROR HERMUS:   I just remembered a couple  
13      of years ago I remember seeing the things on TV and  
14      in the newspaper; and the name of the lounge is what  
15      triggered my memory about it.

16                              THE COURT:   And do you -- based on that  
17      coverage, have you formed any particular opinions  
18      about this case?

19                              JUROR HERMUS:   I don't even remember any of  
20      the details about it, I just remember the Luna  
21      Lounge.

22                              THE COURT:   Okay.   Do you have -- have you  
23      formulated any -- now that you know where it took  
24      place and things, have you formulated any specific  
25      opinions about this case, meaning did the police

1           arrest the right person?

2                   JUROR HERMUS: No.

3                   THE COURT: Okay. All right. Very good.

4                   Miss Schneider, any questions?

5                   ATTORNEY SCHNEIDER: And, Miss Hermus, all  
6           your recollection is to articles or TV that you saw  
7           around the time it happened?

8                   JUROR HERMUS: Um-hum.

9                   ATTORNEY SCHNEIDER: Okay. Nothing more  
10          recent?

11                  JUROR HERMUS: Actually, I -- and I don't  
12          know if it said that in the paper, but about some  
13          evidence that was maybe -- witnesses, evidence that  
14          was destroyed. My husband was telling me, he said he  
15          saw it in the paper. I don't know if it had to do  
16          with this or not.

17                  ATTORNEY SCHNEIDER: Okay.

18                  JUROR HERMUS: But other than that --

19                  ATTORNEY SCHNEIDER: And you didn't read  
20          that article?

21                  JUROR HERMUS: I skimmed over the paper. I  
22          didn't really pay that much attention to it.

23                  ATTORNEY SCHNEIDER: Okay.

24                  JUROR HERMUS: I don't read the paper like  
25          he does.

1                   ATTORNEY SCHNEIDER: I don't have any other  
2                   questions then.

3                   THE COURT: Attorney Vishny, any questions?

4                   ATTORNEY VISHNY: Okay. Based on the  
5                   totality, stuff from the past, where it happened,  
6                   anything your husband told you, you know, do you have  
7                   any feeling like, well, the police got the right guy,  
8                   he must be guilty?

9                   JUROR HERMUS: I don't really have an  
10                  opinion on it. I don't know. I didn't really know  
11                  that much about it. I just heard about it.

12                  ATTORNEY VISHNY: Sure. Okay. Thank you.

13                  THE COURT: Thank you.

14                  ATTORNEY VISHNY: One minute. All right.  
15                  I don't mean to be prying, but -- and just, there is  
16                  no right or wrong answer, but do you mind sharing  
17                  with us what the conversation was with your husband  
18                  about whatever it was he read in the paper?

19                  JUROR HERMUS: He just knew that I was  
20                  coming up for jury duty and he says, well this says  
21                  that it might be starting this week and it's going to  
22                  take a week-and-a-half and that's how long you're on  
23                  jury duty, so he's like, you know, I don't know if  
24                  this is it or not but --

25                  ATTORNEY VISHNY: Okay. All right. That



1           would be it.

2                   THE COURT: Any other questions?

3                   ATTORNEY VISHNY: No.

4                   THE COURT: All right. Thank you.

5                   (Ms. Hermus exits.)

6                   ATTORNEY VISHNY: I have a question about  
7           that that just brought it up. So they're all called  
8           in for a week-and-a-half. Is that -- is that what  
9           she said, a week-and-a-half? So are you -- maybe you  
10          did it and I missed it, but are you going to ask them  
11          if the trial goes longer if that poses --

12                  THE COURT: Yes.

13                  ATTORNEY VISHNY: Okay. What I -- because  
14          we're going to go longer.

15                  THE COURT: I've already cleared my  
16          calendar a full two weeks.

17                  ATTORNEY VISHNY: I'm supposed to be in  
18          court March 10th and 11th in Milwaukee.

19                  THE COURT: I'm supposed to fly out March  
20          10th.

21                  ATTORNEY SCHNEIDER: I have different  
22          courts do different things. I've gone until 8:00 at  
23          night, I've sometimes had the judge ask the jury, to  
24          avoid us going into a second week do you want to  
25          start going later some nights, would you have that

1           ability, and kind of let the jury decide. They came  
2           back and said they wanted to start going until seven  
3           at night.

4                   ATTORNEY VISHNY: I don't know if I have  
5           the stamina. I'm going to be -- I'm being serious  
6           about that.

7                   THE COURT: That's fine.

8                   (Mr. Elkendier enters.)

9                   THE COURT: So, Mr. Elkendier, the question  
10          is you had raised your hand about some familiarity  
11          based on the case, and can you -- can you let us know  
12          what have you seen, whether it's print, television,  
13          what -- what if any opinions you formed on the case?  
14          And I also want you to know, and I know that the  
15          attorneys have fully endorsed this idea, is there is  
16          no wrong answer. The --

17                   JUROR ELKENDIER: Sure.

18                   THE COURT: We just want you to be honest  
19          and so don't think we have any expectations.

20                   JUROR ELKENDIER: Okay.

21                   THE COURT: The floor is yours.

22                   JUROR ELKENDIER: Okay. So you want me to  
23          start talking?

24                   THE COURT: Sure.

25                   JUROR ELKENDIER: Okay. I'm familiar with

1           the case. I read about it, familiar with it. Saw it  
2           on television. And have basically formed an opinion,  
3           and my opinion being that I didn't want to say  
4           anything to taint any of the other jurors, but I felt  
5           that the suspect is definitely guilty, and I feel  
6           that in his best interest, I don't see why he did not  
7           cop a plea and hope for possibly getting down the  
8           road an opportunity of getting parole instead of  
9           going through a trial process. That's my opinion.

10                   THE COURT: Okay. And would it be fair to  
11           say that even if I were to instruct you and say, look  
12           at this with a clean slate, is it fair to say that  
13           you would have a very difficult time if impossible  
14           time doing that?

15                   JUROR ELKENDIER: Your Honor, I would say  
16           it would not be impossible, but deep down inside of  
17           me in my heart, it's -- there is no question that --  
18           in my mind that the suspect is guilty; but, yes, I  
19           would do my best to sit in the jury box with an open  
20           mind, even though it would be difficult.

21                   THE COURT: And let me ask this, and again  
22           I'm borrowing the question from counsel, if someone  
23           you loved were on trial today and there was the  
24           possibility of you serving on that jury, having the  
25           sentiment that you feel, do you feel that you would

1           be a good person for this jury or would you prefer  
2           not to have someone with sort of your ideas on that  
3           jury panel?

4                   JUROR ELKENDIER:   Probably someone not.

5                   THE COURT:   Thank you very much.   Those are  
6           the only questions that we have.

7                   ATTORNEY SCHNEIDER:   No.   I don't have any  
8           questions.   Thank you for just being open and honest  
9           and very frank with us.

10                  THE COURT:   Thank you.

11                  ATTORNEY VISHNY:   Thank you.

12                  JUROR ELKENDIER:   Thank you for your time.

13                  (Mr. Elkendier exits.)

14                  THE COURT:   I'm assuming nobody felt  
15           strongly on asking more questions?

16                  ATTORNEY VISHNY:   No.   He was right out  
17           there.

18                  (Ms. Hankemeier enters.)

19                  THE COURT:   Miss Hankemeier, I think?

20                  JUROR HANKEMEIER:   Yes.

21                  THE COURT:   Miss Hankemeier, you had raised  
22           your hand to the question about some familiarity, and  
23           all we'd like, first of all, is there is no wrong  
24           answer.

25                  JUROR HANKEMEIER:   Um-hum.

1                   THE COURT: There is no right answer. It's  
2                   whatever -- we want you to simply let us know what is  
3                   on -- on your heart and your experiences.

4                   And can you let us know what -- first of all,  
5                   what media or what information --

6                   JUROR HANKEMEIER: The newspaper.

7                   THE COURT: Okay. And is that recent  
8                   readings, is it old readings?

9                   JUROR HANKEMEIER: When it first  
10                  happened.

11                  THE COURT: Okay. Based on that, have you  
12                  -- have you formulated any opinions on this case?

13                  JUROR HANKEMEIER: So -- I think that he  
14                  might be guilty because of not wanting witnesses,  
15                  witness tampering.

16                  THE COURT: And understanding that it is --  
17                  the burden is on the State, it is the State's  
18                  obligation to prove someone guilty, and understanding  
19                  that the paper does not always get the full story --

20                  JUROR HANKEMEIER: Um-hum.

21                  THE COURT: Do you feel that -- are you  
22                  very strong in your sentiments at this point? I mean  
23                  are you -- do you feel -- have you already made up  
24                  your mind?

25                  JUROR HANKEMEIER: 50/50. Is that a fair

1 enough answer?

2 THE COURT: Sure. And do you think you  
3 could be fair and impartial in this case?

4 JUROR HANKEMEIER: I see the mother out  
5 there, so I would have a real hard time.

6 THE COURT: Okay. And so seeing --  
7 understanding that --

8 JUROR HANKEMEIER: Yeah.

9 THE COURT: -- that there is a mother of  
10 someone, and understanding that --

11 JUROR HANKEMEIER: I'd want to be fair to  
12 him too, so, I mean, it's a big decision, you know.

13 ATTORNEY SCHNEIDER: There is nothing right  
14 or wrong, we just want you to tell us exactly what  
15 you feel.

16 JUROR HANKEMEIER: That's exactly what I'm  
17 feeling.

18 THE COURT: Okay. And, Miss Schneider, do  
19 you have any questions?

20 ATTORNEY SCHNEIDER: No.

21 THE COURT: Attorney Vishny?

22 ATTORNEY VISHNY: Yes.

23 THE COURT: Okay.

24 ATTORNEY VISHNY: So when you say 50/50,  
25 can you explain what you mean by that?

1 JUROR HANKEMEIER: I don't know all the  
2 details of it, I'm just going on the fact of what I  
3 read in the newspaper and what I heard in the  
4 courtroom.

5 THE COURT: Okay.

6 JUROR HANKEMEIER: And the mother, you  
7 know.

8 ATTORNEY VISHNY: The mother of the  
9 deceased?

10 JUROR HANKEMEIER: I see how much pain  
11 she's in.

12 ATTORNEY VISHNY: Yeah. And we all do.

13 JUROR HANKEMEIER: Um-hum.

14 ATTORNEY VISHNY: So I'm going to ask a few  
15 questions about that. So, first of all, you know,  
16 you got your jury summons, you know the case is going  
17 on, you walk in the courtroom and you're like, this  
18 is the one. Can I ask you what came to your mind  
19 right away when you realized that?

20 JUROR HANKEMEIER: The case or when I saw  
21 everyone?

22 ATTORNEY VISHNY: When you thought, oh, my  
23 God, this is the one I'm being called for. Since you  
24 read about it, what were you thinking?

25 JUROR HANKEMEIER: Well, again, I -- there

1 is witnesses that he didn't want here so I kind of  
2 think that there is a reason.

3 ATTORNEY VISHNY: Right. So is it fair to  
4 say that because of that you came in -- and as the  
5 judge said, absolutely no right or wrong answers here  
6 at all.

7 JUROR HANKEMEIER: Um-hum.

8 ATTORNEY VISHNY: Nothing you say is going  
9 to offend anyone. But did you say, well, this guy  
10 must be guilty, I think he's guilty?

11 And to be perfectly fair, if you had a loved one  
12 who was on trial, would you want somebody with your  
13 thinking to be on the jury for your loved one? Do  
14 you understand my question?

15 JUROR HANKEMEIER: Yeah. No, I wouldn't.

16 ATTORNEY VISHNY: You wouldn't. So  
17 probably it's better you think that you wouldn't sit  
18 on the case?

19 JUROR HANKEMEIER: Yeah.

20 ATTORNEY VISHNY: Okay. All right. Thank  
21 you.

22 THE COURT: Thank you very much.

23 JUROR HANKEMEIER: Thank you.

24 (Ms. Hankemeier exits.)

25 ATTORNEY VISHNY: Judge, I figured I needed



1 to keep going.

2 THE COURT: I should have cleared up on  
3 that 50/50. That's my fault.

4 (Mr. Van Deurzen enters.)

5 THE CLERK: Michael Van Deurzen.

6 THE COURT: Mr. Van Deurzen, how are you?

7 JUROR VAN DEURZEN: Fine.

8 THE COURT: Good. And so we had a couple  
9 questions for you. You had raised your hand on the  
10 question about the -- being familiar with the case.

11 JUROR VAN DEURZEN: Um-hum.

12 THE COURT: And what we'd like to know is  
13 can you tell us, you know, what -- what you've seen  
14 in terms of media coverage, television, paper, and  
15 then when did you see that, is it recently, is it --

16 JUROR VAN DEURZEN: At the time. It was on  
17 TV. I don't remember all the specifics, but I  
18 believe like shot in the hallway or the stairway or  
19 something.

20 THE COURT: And based on your familiarity  
21 with that case, have you formulated any sorts of  
22 opinions about this case?

23 JUROR VAN DEURZEN: I don't know. I didn't  
24 really think about it that much for the last year or  
25 whatever -- however long it's been.

1                   THE COURT: And do you -- do you think that  
2                   -- and again, you had heard me ask, do you think you  
3                   could be fair and impartial on this case? Do you  
4                   think, understanding I'm going to give you an  
5                   instruction that says, essentially, come in with a  
6                   clean slate, do you think even though you've seen  
7                   media reports that you'd be able to make any  
8                   decisions should you be called to make a decision  
9                   based on just the evidence that you hear in the  
10                  courtroom?

11                 JUROR VAN DEURZEN: Yeah. I would think  
12                 so.

13                 THE COURT: One of the -- and again, this  
14                 isn't my original thought, it's been asked, but if  
15                 someone you loved and cared about were on trial  
16                 today, do you think that you or someone with your  
17                 sentiments would be a good person for this panel?

18                 JUROR VAN DEURZEN: Yeah.

19                 THE COURT: Okay. Miss Schneider, any  
20                 questions?

21                 ATTORNEY SCHNEIDER: I just want to ask you  
22                 a little bit, Mr. Van Deurzen, so you read about it  
23                 or saw it on TV?

24                 JUROR VAN DEURZEN: Yes.

25                 ATTORNEY SCHNEIDER: Kind of around the

1 time it happened?

2 JUROR VAN DEURZEN: Yes.

3 ATTORNEY SCHNEIDER: What do you remember,  
4 other than you said it happened -- shooting maybe in  
5 the hallway?

6 JUROR VAN DEURZEN: Yes. I think white  
7 male got shot in the hallway or the stairway, one of  
8 the two, I don't remember what it was.

9 ATTORNEY SCHNEIDER: And you don't remember  
10 anything more recent than things you heard right  
11 after?

12 JUROR VAN DEURZEN: No.

13 ATTORNEY SCHNEIDER: Okay. And when you  
14 got your summons for jury duty, you didn't try to do  
15 any looking around to see what case you were going to  
16 come in on?

17 JUROR VAN DEURZEN: No, actually, I  
18 didn't.

19 ATTORNEY SCHNEIDER: Okay. I don't have  
20 any other questions then.

21 THE COURT: Okay.

22 ATTORNEY VISHNY: When you walked in the  
23 courtroom and, you know, or whatever moment it was  
24 that it came that you realized this is the case that  
25 I've read about, what were your thoughts?

1 JUROR VAN DEURZEN: I was kind of surprised  
2 actually.

3 ATTORNEY VISHNY: Do you have any feeling,  
4 you know, when you read about what happened, oh, I'm  
5 really glad they got the guy, they've got the right  
6 guy, they have the right person on trial?

7 JUROR VAN DEURZEN: Again, that was a while  
8 ago. I don't know.

9 ATTORNEY VISHNY: I just noticed before,  
10 you know, before you answer, it just might be your  
11 personality because I don't know you, that sometimes  
12 you hesitate a little bit.

13 JUROR VAN DEURZEN: Um-hum.

14 ATTORNEY VISHNY: And I do that sometimes  
15 myself too, maybe not enough, but, you know, so I was  
16 just wondering if there is something you're feeling  
17 that you might feel uncomfortable saying? Because  
18 it's okay, anybody can say anything in here.

19 JUROR VAN DEURZEN: Yeah. I have a -- I  
20 had a son. He died -- Sunday it will be a year and  
21 five months ago. And it's pretty hard to bury your  
22 kid.

23 ATTORNEY VISHNY: Right.

24 JUROR VAN DEURZEN: So I don't know if that  
25 would influence me at all that somebody out there

1 buried their kid.

2 ATTORNEY VISHNY: Right. Yeah.

3 JUROR VAN DEURZEN: So that's the only  
4 thing.

5 ATTORNEY VISHNY: And I -- I really  
6 appreciate that you brought up what is clearly such a  
7 painful subject, and it really doesn't matter if your  
8 child was a victim of a crime or car accident or  
9 whatever.

10 JUROR VAN DEURZEN: He wasn't. He had  
11 cystic fibrosis.

12 ATTORNEY VISHNY: I'm very sorry.

13 JUROR VAN DEURZEN: Yeah.

14 ATTORNEY VISHNY: But, you know, there is  
15 going to be somebody sitting in this courtroom who  
16 buried their son, and, you know, obviously everybody  
17 empathizes with that person, so my question is, you  
18 know, are there any feelings that you have because  
19 you know you lost a child, this person lost a child,  
20 that you might be disappointing this person and you  
21 just could not bear to ever say anything because of  
22 it?

23 JUROR VAN DEURZEN: I don't know that now.  
24 I don't know -- like I say, I haven't heard any  
25 evidence. I haven't heard anything really.

1                   ATTORNEY VISHNY:   Okay.   And then the other  
2                   thing is given your recent loss, is there any feeling  
3                   that you have that maybe going through a trial where  
4                   somebody lost their life is too emotional an  
5                   experience for you at all?

6                   JUROR VAN DEURZEN:   I'm thinking it may be  
7                   emotional, but I'm thinking I can be impartial  
8                   because I -- I don't think -- I think I can be.

9                   ATTORNEY VISHNY:   Okay.

10                  JUROR VAN DEURZEN:   Yeah.   It would be --  
11                  it can be emotional.

12                  ATTORNEY VISHNY:   And it would be normal.  
13                  I mean we all tune out sometimes and have other  
14                  thoughts, and, you know, going through trauma can  
15                  make it worse, you know, and I'm -- and it's hard to  
16                  sit in a courtroom and listen to all of us all day,  
17                  so, you know, if you feel uncomfortable with that,  
18                  feel you couldn't handle it, it's just better to tell  
19                  us, that's all.

20                  JUROR VAN DEURZEN:   Yeah.   I mean I was  
21                  fine so far today, but again, it hasn't been a whole  
22                  trial so --

23                  ATTORNEY VISHNY:   Okay.   All right.   So you  
24                  would be okay with doing it you think?

25                  JUROR VAN DEURZEN:   I think.

1                   ATTORNEY VISHNY: If not, just make sure to  
2                   raise your hand and say, Judge, there's something I'd  
3                   like to tell you, and I'm sure the judge can always  
4                   have you come back in here. Because the process is  
5                   going to take a while.

6                   JUROR VAN DEURZEN: Right. Right.

7                   ATTORNEY VISHNY: Thank you.

8                   THE COURT: Okay.

9                   (Mr. Van Deurzen exits; Mr. Parker enters.)

10                  ATTORNEY SCHNEIDER: You're back.

11                  JUROR PARKER: I'm back. Didn't ring a  
12                  bell until I heard you say the rest of it.

13                  THE COURT: No. Nice to have you back.

14                  So now my question is, now that you -- you know  
15                  a little bit more, does the -- can you let us know  
16                  what -- what television, what newspapers, what media  
17                  you've seen, and then when you saw it, and then has  
18                  it caused you to formulate any opinions.

19                  JUROR PARKER: I just recall seeing the  
20                  incident that had happened on the news and that was  
21                  way back when. I don't remember any names or  
22                  anything, I just remember that the incident  
23                  happened.

24                  THE COURT: And has -- have you -- now, you  
25                  understand that there's been an arrest made

1 obviously. Based on your recollection of the  
2 newspaper or media and then understanding that we're  
3 here today, have you formulated any opinion that the  
4 police officers have the right person or have you --  
5 have you come to any opinions or conclusions on that  
6 end?

7 JUROR PARKER: I have not. I really  
8 haven't thought about it since then, so no.

9 THE COURT: Okay. You've heard me ask this  
10 before, any concerns about your ability to be fair  
11 and impartial and make any decisions that you might  
12 be called to make based solely on the evidence that  
13 you would hear?

14 JUROR PARKER: None.

15 THE COURT: Okay. Attorney Schneider?

16 ATTORNEY SCHNEIDER: And you don't think  
17 anything was anymore recent than around the time it  
18 happened?

19 JUROR PARKER: No. It was -- it was a long  
20 time ago; and I -- it might have been one or two  
21 times on the news that I saw.

22 ATTORNEY SCHNEIDER: I don't have anything  
23 else then.

24 THE COURT: Attorney Vishny?

25 ATTORNEY VISHNY: Is there any feeling when



1           you heard someone was arrested, good, I'm glad they  
2           have the guy, or any feeling like the right guy is on  
3           trial?

4                   JUROR PARKER: No. I just was kind of  
5           like, oh, my gosh, it was downtown Appleton kind of  
6           thing. That was about it. And like I said, I really  
7           didn't think anymore about it even after.

8                   ATTORNEY VISHNY: All right. Thank you.

9                   JUROR PARKER: Yup.

10                  THE COURT: Thank you, sir.

11                  (Mr. Parker exits.)

12                  THE COURT: So I think that's everybody.  
13           So can we just confirm before we go back in there,  
14           and Melissa has probably got notes, it would be No.  
15           2, Mr. Elkendier; No. 5, Kosinski; No. 8, Hankemeier;  
16           No. 15, Daelke?

17                   ATTORNEY SCHNEIDER: No. 26,  
18           Manderscheid.

19                  THE COURT: Yes. So we have those five.  
20           So then -- so we move Hermus and Schueller into --  
21           Hermus will go into Elkendier. Okay. So Elkendier  
22           will be Nora Hermus, then Mr. Schueller will become  
23           Mr. Kosinski. Then do you have the -- I don't have  
24           it with me.

25                  THE CLERK: One thing.

1                   ATTORNEY SCHNEIDER: I do. I have it in a  
2                   different way. I am sorry. It's right here. Steven  
3                   Fleming.

4                   THE COURT: Steven Fleming is going to  
5                   become Miss Hankemeier. Steven Fleming did you say?

6                   ATTORNEY SCHNEIDER: F-L-E-M-I-N-G. Then  
7                   Dennis Shea, S-H-E-A.

8                   THE COURT: Will become Mr. Daelke, right?

9                   ATTORNEY SCHNEIDER: Um-hum.

10                  ATTORNEY WEITZ: Yes.

11                  THE COURT: What was his first name?

12                  ATTORNEY SCHNEIDER: Dennis.

13                  ATTORNEY VISHNY: How do you spell Shea?

14                  ATTORNEY SCHNEIDER: S-H-E-A. And the next  
15                  one is female, Jo Anne, spelled J-O capital A-N-N-E,  
16                  Elbe, E-L-B-E is the last name.

17                  THE COURT: That's Mr. Manderscheid?

18                  ATTORNEY SCHNEIDER: Yes.

19                  ATTORNEY VISHNY: Wait. I've got -- I'm  
20                  totally messed up.

21                  ATTORNEY SCHNEIDER: No. I don't think so.  
22                  Okay.

23                  ATTORNEY WEITZ: What's Schueller's first  
24                  name?

25                  ATTORNEY SCHNEIDER: No. 26 is Jo Anne

1 Elbe. The on deck, the next person, would be Laurie,  
2 spelled L-A-U-R-I-E, Dey, D-E-Y. And then the next  
3 on deck, Mannie, M-A-N-N-I-E, Maas, M-A-A-S.

4 ATTORNEY VISHNY: Okay. Do we have a third  
5 one of these yet? We're going to do one when we get  
6 in court. It's too many. I got too many cross outs  
7 now so --

8 ATTORNEY SCHNEIDER: If you want a blank  
9 one at lunchtime.

10 THE COURT: Do we have --

11 ATTORNEY VISHNY: Do we have another blank  
12 one?

13 THE CLERK: One thing the bailiff Wendy  
14 mentioned to me, she said Juror John Peterson  
15 mentioned to her that he thinks he knows the  
16 defendant's mother, so he just wanted to --

17 ATTORNEY VISHNY: John Peterson? Maybe we  
18 should just bring him in while we're here.

19 ATTORNEY WEITZ: So I have another  
20 question. These new people that are going to be  
21 filling in for who we excused, they haven't been  
22 asked the question about the media, so are we going  
23 to have to come back with them, is there an easier  
24 way to --

25 THE COURT: I think what we're -- I mean,

1           unfortunately, what we're going to -- they'll come  
2           out -- what they'll do is come out, I will --

3                   ATTORNEY SCHNEIDER: Fill the spots.

4                   THE COURT: -- fill the spots, say you've  
5           heard my questions up to this point, are there any  
6           questions you would have answered to, and then if  
7           it's -- with the exception of the media question.  
8           Then I'll ask them --

9                   ATTORNEY VISHNY: What about Mr. Peterson,  
10          that he knows my client's mother? We just realized  
11          that.

12                  THE COURT: Do you want to just bring him  
13          back here since we're all here?

14                   (Mr. Peterson enters.)

15                  THE COURT: Mr. Peterson, how are you, sir?

16                  JUROR PETERSON: I'm all right.

17                  THE COURT: Good. The -- it was our  
18          understanding that you may have mentioned to the  
19          bailiff that you thought you may have known the  
20          mother; is that correct?

21                  JUROR PETERSON: Pretty sure.

22                  THE COURT: And how do you think you know  
23          that person?

24                  JUROR PETERSON: I worked with her for  
25          several years.

1 THE COURT: Okay.

2 JUROR PETERSON: I believe.

3 THE COURT: Do you think that will affect  
4 your ability to judge this case and to be fair and  
5 impartial?

6 JUROR PETERSON: Not at all. I just wanted  
7 to make sure. One of the nicest ladies you ever want  
8 to meet.

9 THE COURT: Very good. I appreciate you  
10 sharing that. And that's exactly the types of things  
11 that we want you to feel comfortable going, well, if  
12 it's close and you think you should disclose it, we  
13 would rather hear that.

14 Attorney Schneider, any questions?

15 ATTORNEY SCHNEIDER: Do you remember her  
16 first name?

17 JUROR PETERSON: I don't.

18 ATTORNEY SCHNEIDER: Okay.

19 JUROR PETERSON: But I'm just seeing her, I  
20 think that's her sitting there out there, so I just  
21 kind of put it together so I kind of know about the  
22 case then.

23 ATTORNEY SCHNEIDER: You think it's Mr.  
24 Lee's mom?

25 JUROR PETERSON: Yes.

1                   ATTORNEY SCHNEIDER: And where was that  
2                   that you worked with her?

3                   JUROR PETERSON: McCain Foods.

4                   ATTORNEY SCHNEIDER: Did you ever have any  
5                   kind of role where you were a supervisor to her or  
6                   vice versa?

7                   JUROR PETERSON: No.

8                   ATTORNEY SCHNEIDER: Do you think it would  
9                   be hard for you to sit on this jury -- I mean I'm  
10                  just going off your comment, Mr. Peterson, you said  
11                  one of the nicest ladies you ever worked with, and  
12                  obviously this is a very significant matter and her  
13                  son's on trial, do you think it would be hard for you  
14                  to hold those or take those personal feelings and put  
15                  them aside when you're serving as a juror? And there  
16                  is no right or wrong answer, we just want you to tell  
17                  us what your gut is telling you.

18                  JUROR PETERSON: If I was chose, I would be  
19                  able to a hundred percent proceed with it. But she  
20                  was always talkative, got along with everybody, so  
21                  it's -- just a nice little lady.

22                  THE COURT: Now, you had -- Attorney  
23                  Schneider, I apologize if I'm interrupting.

24                  ATTORNEY SCHNEIDER: No, that's fine.

25                  THE COURT: You mentioned you knew a little

1 bit about the case, is that from media or is it --

2 JUROR PETERSON: Just like different rumors  
3 from -- through the plant.

4 ATTORNEY SCHNEIDER: The McCain rumor mill?

5 JUROR PETERSON: Correct, that the mother  
6 of one -- that, and I do remember hearing things  
7 about that on TV.

8 THE COURT: And have you -- have you  
9 formulated any opinions based on what you heard, you  
10 know, through work or --

11 JUROR PETERSON: Absolutely not.

12 THE COURT: Okay. Attorney Vishny.

13 ATTORNEY VISHNY: Yeah. I have a question  
14 which is this. If the State proves this case to you  
15 beyond a reasonable doubt, okay, and after hearing  
16 all the evidence you think beyond a reasonable doubt  
17 that Mr. Lee is guilty, will you be able to vote  
18 guilty even though you used to work with his mother?

19 JUROR PETERSON: Yes.

20 ATTORNEY VISHNY: Okay. All right. Thank  
21 you.

22 THE COURT: Thank you, sir.

23 (Mr. Peterson exits.)

24 ATTORNEY SCHNEIDER: So we'll go in.

25 THE COURT: At this time -- what I'll do is

1 I'll say, at this time I'd ask, you know, Mr.  
2 Elkendier, Mr. Kosinski, et cetera, please stand,  
3 I'll thank them for their service, let them know that  
4 they're excused, we'll call up our next five people  
5 and ask that.

6 ATTORNEY WEITZ: And then are you  
7 specifically going to ask them about the media thing?  
8 I know you said you were going to just ask them  
9 general.

10 THE COURT: Are there any questions that  
11 you would have answered yes to; and then I'll -- and  
12 then I'll say, other than the media question, can you  
13 tell us what question you would answer to, and then  
14 if it's the media question, we'll come back. I wish  
15 there was a more efficient way, but I think this is  
16 as good as it gets.

17 ATTORNEY SCHNEIDER: I think if you say  
18 yes, which topic is it.

19 (In open court.)

20 THE COURT: Okay. Again, I appreciate  
21 everyone's patience.

22 At this time, Mr. Elkendier, I'd like to thank  
23 you for your service, sir, and you are excused at  
24 this time.

25 JUROR ELKENDIER: Thank you, Your Honor.



1 THE COURT: Thank you, sir.

2 THE CLERK: No. 7355, Nora Hermus.

3 THE COURT: So, Miss Hermus, if you'll take  
4 Mr. Elkendier's spot please.

5 Mr. Kosinski, likewise, I would like to thank  
6 you for your service today, sir, and you are excused  
7 at this time.

8 THE CLERK: No. 6968, Adam Schueller.

9 THE COURT: Mr. Schueller, if you would  
10 please take Mr. Kosinski's spot.

11 Mrs. Hankemeier, at this time you are excused  
12 from your duty. I thank you for your service.

13 THE CLERK: No. 472, Steven Fleming.

14 THE COURT: Actually, Mr. Fleming, if you  
15 would take the second row.

16 Mr. Daelke, sir, at this point in time, I  
17 appreciate your service and you are excused.

18 JUROR DAELKE: Thank you.

19 THE CLERK: No. 6831, Dennis Shea.

20 THE COURT: Mr. Manderscheid, at this point  
21 in time, sir, you are relieved of your duties. I  
22 thank you for your service.

23 JUROR MANDERSCHIED: You're welcome.

24 THE CLERK: No. 430, Jo Anne Elbe.

25 First alternate, 6559, Laurie Dey; second

1           alternate, 6947, Mannie Maas.

2                   THE COURT: And this first series of  
3           questions is directed to our newest additions to the  
4           group. And you have heard me ask various questions  
5           of the panel up to this point, and the first question  
6           I'd asked, or I will ask of you, are there any  
7           questions that I have asked up to this point that you  
8           would have answered in the affirmative to?

9                   (No response.)

10                   THE COURT: And again, on that same  
11           subject, is there anyone who has, after having heard  
12           my questions, after having had additional time to  
13           reflect, is there anybody who's had more time to  
14           think about this case and say, well, I do recall  
15           maybe hearing or reading or seeing something about  
16           this case?

17                   (No response.)

18                   THE COURT: Okay. Very good.

19                   Now, the next subject matter, and again now we  
20           return to the group in its entirety, is there anyone  
21           who has formed an opinion about this case and what  
22           the outcome should be?

23                   (No response.)

24                   THE COURT: Is there anyone who feels that  
25           they may have some -- some inherent biases in this

1 case? We will -- we will hear from males and  
2 females, and we have different racial compositions in  
3 terms of potential witnesses, is there anyone who is  
4 concerned that they may have some inherent biases  
5 that will prevent them from being able to be fair and  
6 impartial today?

7 (No response.)

8 THE COURT: Now, is there anyone who has  
9 such a strong feeling about this type of case, and  
10 again, understanding that the burden of proof is on  
11 the State, is there anyone who has such a strong  
12 feeling about this type of case that they are of the  
13 opinion that it would simply be impossible for them  
14 to render a verdict regardless of what that verdict  
15 would be?

16 (No response.)

17 THE COURT: Is there anyone who has any --  
18 and I won't expect you to disclose the specifics of  
19 this, but is there anyone who has any physical  
20 conditions, mental conditions or cognitive conditions  
21 that makes you be of the opinion, Judge, I just don't  
22 know that I could sit on this panel?

23 Okay. And that would be Mr. Bloomer?

24 JUROR MANAGAN: Managan.

25 THE COURT: Managan. My apologies. And is

1           that -- let me ask you this. Is this something that  
2           you would like to discuss in back in a more intimate  
3           setting or do you feel comfortable disclosing at this  
4           point?

5                       JUROR MANAGAN: I think I'd rather discuss  
6           it in private.

7                       THE COURT: Okay. And so we can retake  
8           that issue up momentarily.

9                       And did anyone else raise their hand?

10                      (No response.)

11                      THE COURT: Okay. Now, as you've been made  
12           aware, this jury trial is expected to last  
13           approximately -- approximately eight days. Now we  
14           will do everything in our power to be as efficient as  
15           possible, but it's always better that we expect the  
16           unexpected, and so the trial may go a little bit  
17           longer, it may go right on time. In an effort to  
18           keep it on track, if it means we go a little bit  
19           later, again, assuming that it's acceptable to you,  
20           ladies and gentlemen of the jury, we will look at  
21           doing that. We will do everything we can, and I  
22           would not expect this, but we will -- I'm not  
23           anticipating that we would use our weekends.

24                      Is there anyone who says, Judge, I absolutely  
25           have a commitment that I have to be there for, I

1 can't make it for the entire week or eight days, two  
2 weeks. Is there anyone who is of that opinion? And  
3 just so that you're understanding sort of the level  
4 of commitment I'm thinking, if you have -- if you  
5 have, by way of example, an appointment to wash your  
6 dog, that's not what I want to hear about. What I'm  
7 interested in is, Judge, I have a ticket to the  
8 Bahamas tomorrow and I won't be able to be here and  
9 it's a non-refundable ticket. So that's -- to give  
10 you a frame of reference as to the level of  
11 commitment that we're talking about, is there anyone  
12 who has that type of a commitment that they say,  
13 Judge, I got to let you know about this because it's  
14 a commitment I can't adjust?

15 Okay. Fortunately, we're already going to be  
16 speaking.

17 JUROR MANAGAN: Yeah.

18 THE COURT: All right. Anyone else?

19 JUROR HERMUS: Are you talking past eight  
20 days?

21 THE COURT: And again, I'm hoping we'll  
22 stay on track, but to be safe, I'm saying let's look  
23 at two weeks and even maybe a couple --

24 JUROR HERMUS: My daughter gets married  
25 March 12th.

1 THE COURT: Who gets married March 12th?

2 JUROR HERMUS: My daughter.

3 THE COURT: We'll be done by March 12th.

4 JUROR HERMUS: I just wanted to let you  
5 know.

6 THE COURT: Although my congratulations in  
7 advance.

8 Okay. Very good. Is there anyone -- let me ask  
9 this -- and again, I want you to understand I will do  
10 my best to give you routine breaks, to allow to you  
11 take lunches. We will -- we will do everything to  
12 make this as accommodating as possible so that you  
13 are able to devote all of your attention to the  
14 matters at hand. Understanding that, is there anyone  
15 who, again, may be going through something in their  
16 life where they say, Judge, this has got me  
17 distracted? And again, we can deal with this in an  
18 intimate setting. Is there anyone who says, Judge,  
19 there is something, and it's been on my mind, it's  
20 eating at me, that you'd like to share with us,  
21 again, in a more private setting?

22 Okay. Mr. Peterson. Okay. And then, Mr.  
23 Managan, we're already going to be speaking. All  
24 right. Very good.

25 That is, by and large, all of the questions that

1 I have for you. What we will do -- and I think what  
2 may be a good time is we will meet with Mr. Managan  
3 and then Mr. Peterson briefly, and then I believe --  
4 and so what we'll do is I'll ask you to stay here,  
5 but I'm expecting that we will have lunch for you,  
6 and so when we come back what we'll be able to do is  
7 we'll be able to I think break at which point in time  
8 then I'm going to turn the questioning over to the --  
9 to the attorneys for our continuation.

10 Okay? We all set?

11 All right. We'll take a --

12 (Proceedings held outside the presence of  
13 the jury panel.)

14 (Mr. Managan enters.)

15 THE COURT: Mr. Managan, I appreciate you  
16 raising your hand. Again, there is no right or wrong  
17 answers.

18 JUROR MANAGAN: Sure.

19 THE COURT: But you wanted to share with us  
20 some additional concerns that you had and so please  
21 feel free to do so.

22 JUROR MANAGAN: Well, I sometimes have a  
23 hard time hearing soft voices and particularly female  
24 voices. I got like tinnitus.

25 THE COURT: Okay.

1 JUROR MANAGAN: So I don't know if I could  
2 hear everything, you know, that goes on.

3 THE COURT: And we do have -- and today is  
4 not a good example because we've had to rearrange the  
5 courtroom. We will -- and we do have the ability to  
6 have all of us utilize microphones. We can -- I  
7 think we do have -- I don't know that it's a hearing  
8 aid but something that would be able to magnify if  
9 necessary. Understanding those potential options, do  
10 you feel that you would be able to, you know, listen  
11 and to hear things? And again, if at any point in  
12 time say, Judge, we just need to make an adjustment,  
13 we can do that.

14 JUROR MANAGAN: Okay.

15 THE COURT: Do you -- do you think under  
16 those circumstances that it would be okay?

17 JUROR MANAGAN: Yeah. I just don't want to  
18 delay, you know, saying could you repeat that, you  
19 know, because I didn't quite hear it.

20 THE COURT: Sure.

21 JUROR MANAGAN: I just, you know --

22 THE COURT: Understandable.

23 Attorney Schneider, do you have any questions?

24 ATTORNEY SCHNEIDER: We can also do -- I'm  
25 thinking of we could sit you in a spot closest to the



1 witness that would be on the witness stand too, so  
2 there is some things about the logistics of the  
3 courtroom we could do. Is it something that like  
4 recordings are easy for you to hear or does that make  
5 it difficult as well?

6 JUROR MANAGAN: I struggle probably more  
7 with recordings, and, you know, like even when I  
8 called in I had my wife, you know, put it on speaker,  
9 can you please listen to this with me so I can make  
10 sure that I got everything down. I heard it clearly.

11 THE COURT: Okay. Good.

12 ATTORNEY SCHNEIDER: I don't have any other  
13 questions for that topic.

14 THE COURT: Okay. Attorney Vishny?

15 ATTORNEY VISHNY: Should I ask questions?

16 I do have one but --

17 THE COURT: You can ask. Go ahead. You  
18 can ask the question.

19 ATTORNEY VISHNY: I'm going to get up for a  
20 minute here. Mr. Managan, can you hear me right now?

21 JUROR MANAGAN: Yeah.

22 ATTORNEY VISHNY: Okay. Thank you.

23 THE COURT: So let me ask you this, Mr.  
24 Managan, is it -- now is it something that the --  
25 that the -- sometimes you're able to hear, sometimes

1           you're not, or is it --

2                       JUROR MANAGAN: Yeah. It's more, you know,  
3           and I -- I've never been in a courtroom so I don't  
4           know, but like I know like if I go out and there's a  
5           lot of people talking or whatever that I have a hard  
6           time with that, and I have a hard time, you know,  
7           where there is other, you know, like papers rustling  
8           or something like that, that's where it's probably  
9           the worst.

10                    THE COURT: Okay. All right. Do you think  
11           -- and let me -- and again, there is no -- there is  
12           no right or wrong answer.

13                    JUROR MANAGAN: Yes.

14                    THE COURT: Understanding there will be  
15           audio recordings, understanding there will be  
16           testimony, and we do have microphones, but the --  
17           understanding that you may be one of twelve people  
18           making a very significant decision, and we will  
19           accommodate you however we can, understanding we have  
20           certain limitations, but what is your opinion, do you  
21           feel that you could do this or do you not feel that  
22           you could do it? And again, I appreciate your  
23           service no matter what. So there is no wrong answer.  
24           What is your sentiment?

25                    JUROR MANAGAN: I just -- you know, and I

1 appreciate the opportunity or whatever, I think this  
2 -- but I just think there would be probably more  
3 qualified people that could maybe hear better and,  
4 you know, maybe help the trial go. I don't, you  
5 know, want to have to burden, you know, the plaintiff  
6 or the defendants. I just want everything to be --

7 ATTORNEY SCHNEIDER: And we appreciate your  
8 openness and your honesty, and I think if you want to  
9 ask him the question that we've been using, like if  
10 this was his family member, because then he may --

11 THE COURT: I think that's a great -- I  
12 didn't think of this question, but I get to ask it  
13 now. But -- so if someone you loved and cared about  
14 were on trial today, would you or someone sitting in  
15 your shoes, would you want them to be on this panel  
16 today?

17 JUROR MANAGAN: You mean if I had a loved  
18 one would I want somebody like myself sitting on a  
19 panel?

20 ATTORNEY SCHNEIDER: With the hearing  
21 issues, would you feel confident about having that  
22 person sit on the jury?

23 JUROR MANAGAN: I'd say yeah, you know, I  
24 don't know what -- how much of this case is going to  
25 be --

1                   THE COURT: And let me -- I probably didn't  
2 ask that as clear as I could. I'm not -- I'm not  
3 concerned about from you being able to look at this  
4 saying I can be fair and impartial, that's not the  
5 issue to me, what I want -- the way I'm asking you  
6 that question is you've told us -- and only you know  
7 the extent of how the hearing would affect you. If  
8 -- if there were someone that had the identical  
9 condition as you and a loved one was on trial, would  
10 you feel comfortable with that person being on the  
11 jury panel or would you rather have someone else on  
12 that jury panel?

13                  JUROR MANAGAN: I think if I was sitting  
14 where Mr. Lee, I think I would go with somebody  
15 else.

16                  THE COURT: Okay.

17                  JUROR MANAGAN: Just, you know, so that  
18 they got every aspect of the trial. I wouldn't want  
19 something to be missed or something and that's why I  
20 wanted to kind of bring that up.

21                  THE COURT: And I greatly appreciate that.  
22 And -- and again, the issue to me here, it has  
23 nothing to do with whether or not you could be fair  
24 and impartial.

25                  JUROR MANAGAN: Yeah.

1                   THE COURT: I -- that's really not at  
2                   issue, it's just a matter of you need to feel  
3                   comfortable and that's the most important thing  
4                   because you -- if you were chosen you would be tasked  
5                   with a very substantial decision. And so I  
6                   appreciate your candor, very much so. Okay?

7                   All right. Thank you very much. And then if  
8                   you could just go sit in the jury room then I'll come  
9                   back and address everyone in a moment.

10                  ATTORNEY SCHNEIDER: Thank you, Mr.  
11                  Managan.

12                  (Mr. Managan exits.)

13                  ATTORNEY SCHNEIDER: And we're paying  
14                  attention --

15                  ATTORNEY VISHNY: He's gone?

16                  THE COURT: He's gone. That last question,  
17                  he's gone.

18                  (Mr. Peterson enters.)

19                  THE COURT: Mr. Peterson, how are you?

20                  JUROR PETERSON: I'm all right.

21                  THE COURT: All right. So I did see you  
22                  raised your hand, and we've already touched on kind  
23                  of a sensitive subject and maybe you've had more time  
24                  to think or maybe there was something additional, but  
25                  feel free to share with us what you would like to.

1 JUROR PETERSON: All right. Thank you.

2 And I apologize and thanks for the time.

3 THE COURT: No need to apologize.

4 JUROR PETERSON: Brought it up when I was  
5 in here, but when you asked the next question, last  
6 Tuesday -- I got two older children, 22, 20. My  
7 boy's in Waupaca County right now serving some time,  
8 some new charges. I got a daughter that is actually  
9 due back in court in Outagamie tomorrow. She's  
10 facing a lot of different charges. So, I guess, just  
11 happened in the last couple weeks so I just -- my  
12 mind and my focus is just -- it's -- the timing is  
13 just -- that's all I've been thinking of. I will,  
14 you know, if chosen do a hundred percent I can,  
15 but --

16 THE COURT: And I greatly appreciate that.  
17 And I'm -- I -- I'll formally announce it when we go  
18 outside so I would ask that you be quiet until I  
19 formally announce it. I greatly appreciate your  
20 candor. I think that, quite frankly, Mr. Peterson,  
21 under those circumstances anyone would have a  
22 difficult time paying attention, and that is not to  
23 suggest that on a different panel at a different time  
24 you may not be a wonderful candidate, but I think  
25 that in fairness to you and in fairness to this trial

1 I think that it is certainly more than appropriate to  
2 release you from your duty, and so I appreciate your  
3 -- first of all your willingness to serve today and  
4 equally if not more so your candor with us. So thank  
5 you very much, sir. Certainly. And I know I speak  
6 on behalf of everyone, our sympathies to you and wish  
7 you the best of luck.

8 So what I'll do is we're going to, just like we  
9 do before, I'll have you go in, I'll release you  
10 individually, so I ask that you just not say  
11 anything, and then we'll go from there.

12 JUROR PETERSON: All right. Thank you  
13 everybody.

14 (Mr. Peterson exits.)

15 ATTORNEY SCHNEIDER: The next one is Susan  
16 Giesen, G-I-E-S-E-N.

17 THE COURT: So then what would happen is  
18 we'll just make sure, Melissa, we have this right. I  
19 think --

20 ATTORNEY VISHNY: G-I-E-S-E-N?

21 ATTORNEY SCHNEIDER: So Laurie Dey would  
22 move into No. 3 where Mr. Peterson was.

23 THE COURT: So we're just worried about the  
24 two alternates.

25 ATTORNEY SCHNEIDER: And then Mannie Maas

1 would go into No. 12.

2 THE COURT: So Dey is now Mr. Peterson?

3 ATTORNEY SCHNEIDER: Yup.

4 THE COURT: Mannie becomes -- Mannie Maas  
5 becomes No. 12?

6 ATTORNEY WEITZ: So who fills Dey?

7 ATTORNEY SCHNEIDER: Dey is Bridget  
8 Plamann. Bridget, B-R-I-D-G-E-T, P-L-A-M-A-N-N.

9 THE COURT: And then Susan Giesen,  
10 G-I-E-S-E-N, becomes Alternate No. 2. And what were  
11 the first names of those?

12 ATTORNEY SCHNEIDER: Bridget Plamann, Susan  
13 Giesen. And I can forecast if Bridget Plamann makes  
14 it into the pool we'll need to come back. She -- her  
15 sister-in-law was a victim of a homicide that I  
16 handled. I can't foresee -- and it went on for  
17 several years.

18 THE COURT: We're going to have to because  
19 she's already going to be part of the questioning.

20 ATTORNEY SCHNEIDER: But I'm just telling  
21 everyone that my guess is if she moves back into the  
22 bigger pool or when you ask her that --

23 ATTORNEY WEITZ: Should we do it now?

24 THE COURT: Why don't we just do it right  
25 now rather than have us go back in for one person and



1           then bring her back. In fact, why don't we bring  
2           them both back.

3                   ATTORNEY SCHNEIDER: That might not be a  
4           bad thought because then we -- Bridget Plamann.

5                   THE COURT: They're the only two that we  
6           have -- haven't been in the pool to ask questions  
7           of.

8                   ATTORNEY VISHNY: Oh, okay.

9                   ATTORNEY SCHNEIDER: Sure. That makes  
10          sense.

11                  THE COURT: I'd rather do that than go out,  
12          find out and come back. So can you bring back  
13          Bridget Plamann.

14                  THE CLERK: Somebody in the back of the  
15          courtroom is texting.

16                  THE COURT: Is it Alyson Derr from the  
17          Post-Crescent? She's sitting in the back. From  
18          where I'm seated, back far right corner.

19                  THE CLERK: I'm not sure. I can check.

20                  THE COURT: Get on who that is.

21                  ATTORNEY VISHNY: Find out if it's Holly  
22          Yamahiro. If so, it's my daughter and I forgot.

23                   (Ms. Plamann enters.)

24                  THE COURT: Okay. You can have a seat  
25          here.

1 Miss Plamann, how are you?

2 JUROR PLAMANN: Fine, thanks.

3 THE COURT: So you are ultimately going to  
4 be seated for questioning.

5 JUROR PLAMANN: Okay.

6 THE COURT: And so in an effort to expedite  
7 that, I thought we would have you come back and you  
8 could answer some questions for us.

9 Now, you've -- have you been able to hear all of  
10 my questions?

11 JUROR PLAMANN: Yes.

12 THE COURT: Okay. Are there any questions  
13 that you would have answered yes to?

14 JUROR PLAMANN: Yes. The knowing District  
15 Attorney and some of the office staff.

16 THE COURT: Okay. And would that affect  
17 your ability to be fair and impartial in this case?

18 JUROR PLAMANN: No.

19 THE COURT: Do you believe that you would  
20 be able to look at this case based solely on the  
21 evidence, and if you were tasked with making a  
22 decision, make a decision based solely on that  
23 evidence?

24 JUROR PLAMANN: Yes.

25 THE COURT: Okay. I'd also asked, and I --

1 I'll single this question out over the other ones,  
2 but have you seen any media coverage on this case in  
3 any capacity that you're aware of?

4 JUROR PLAMANN: Not that I recall.

5 THE COURT: Okay. Are there any other  
6 questions that I asked that maybe would have caused  
7 you to think or to take a pause?

8 JUROR PLAMANN: Not that I recall.

9 THE COURT: Okay. I'll turn it over to the  
10 attorneys, they can ask some things.

11 ATTORNEY SCHNEIDER: Miss Plamann, because  
12 I know the facts behind your case, and it's a  
13 question I will ultimately ask in front of the larger  
14 pool, I just think it's fair to share that it was  
15 your sister-in-law, but I do not know if you were  
16 married to Casey at the time.

17 JUROR PLAMANN: Yes.

18 ATTORNEY SCHNEIDER: So your sister-in-law  
19 was killed, and obviously you heard this case  
20 involves a death too, and I know your family spent a  
21 lot of time going through your own experiences with  
22 the loss of Laura. Do you think because you're going  
23 to hear about that, do you think you would be able to  
24 keep a fair mind, impartial, and serve as a juror in  
25 this case?

1 JUROR PLAMANN: Yes.

2 ATTORNEY SCHNEIDER: Okay.

3 THE COURT: Any other questions, Attorney  
4 Schneider?

5 ATTORNEY SCHNEIDER: No. And probably the  
6 other staff you would know would be Stephanie Jens,  
7 my victim/witness coordinator?

8 JUROR PLAMANN: Yes.

9 ATTORNEY SCHNEIDER: But I don't think you  
10 had any interaction with my investigators.

11 JUROR PLAMANN: No, not the names  
12 mentioned.

13 ATTORNEY SCHNEIDER: Deputy DA Tempelis too  
14 would have been in hearings at times?

15 JUROR PLAMANN: Yes. Okay.

16 ATTORNEY SCHNEIDER: Mindy.

17 JUROR PLAMANN: Yes.

18 THE COURT: Attorney Vishny.

19 ATTORNEY VISHNY: Okay. I'm going to ask,  
20 were you disappointed in the outcome of that case as  
21 it exists to date with what happened with that  
22 prosecution?

23 JUROR PLAMANN: It never completely made it  
24 to trial and that was a family decision.

25 ATTORNEY VISHNY: Okay. I don't know

1 anything really about the case. Everyone knows way  
2 more than me. It was a family decision that your  
3 family decided?

4 JUROR PLAMANN: Due to circumstances that  
5 arose, the family chose at this point in time to, I  
6 don't know if that's a correct terminology, to not.

7 ATTORNEY VISHNY: There is no right or  
8 wrong answers or terminology or anything, just  
9 whatever you say.

10 JUROR PLAMANN: It didn't go all the way,  
11 there was never a full trial, it never made it to the  
12 jury selection process, that part never happened.

13 ATTORNEY VISHNY: Right.

14 JUROR PLAMANN: So --

15 ATTORNEY VISHNY: Were you upset about that  
16 at all?

17 JUROR PLAMANN: It wasn't --

18 ATTORNEY VISHNY: Just -- you're not going  
19 to hurt anybody's feelings.

20 JUROR PLAMANN: No. I just want to make  
21 sure I answer truthfully and correctly. I -- it's  
22 not the outcome we were hoping for, but at this time  
23 it still is an opportunity that we have saved as a  
24 family to attempt another day if it presents itself  
25 that way.

1                   ATTORNEY VISHNY: Right. If there is other  
2 evidence.

3                   JUROR PLAMANN: Correct.

4                   ATTORNEY VISHNY: So one of the things, you  
5 know, sometimes when somebody has had a loss like  
6 that which is so traumatic, and it's a murder case,  
7 and it can -- you know, my question is will it have  
8 you thinking about the loss you have suffered, you  
9 know, and that your family has suffered if you were  
10 to be sitting on this trial?

11                  JUROR PLAMANN: I think after the fact I  
12 think I would be able to pay attention.

13                  ATTORNEY VISHNY: Okay.

14                  JUROR PLAMANN: Due to it being not very  
15 recent.

16                  ATTORNEY VISHNY: Okay. So it's clear to  
17 me that -- if I'm wrong, you tell me, okay, but I'm  
18 surmising that even though the case didn't proceed  
19 against some people, you know, when your loved one  
20 was killed, that, you know, your opinion is that they  
21 were guilty and did it, maybe it just -- maybe  
22 someday in the future there will be more evidence or  
23 something like that. Am I reading that right?

24                  JUROR PLAMANN: Correct.

25                  ATTORNEY VISHNY: So given that you felt,

1           you know, that the right people were prosecuted in  
2           that particular case, I have no comment on that or  
3           opinion one way or the other, but is there a feeling  
4           that you have coming into this trial, well, they  
5           caught the guy, they have the right person, he must  
6           be guilty?

7                     JUROR PLAMANN: I don't know an answer to  
8           that until I know what evidence is presented.

9                     ATTORNEY VISHNY: Okay. And as you know,  
10          there is this requirement that a case has to be  
11          proven beyond a reasonable doubt, and apparently in  
12          that other case there was some feeling there wasn't  
13          evidence beyond a reasonable doubt, you know, in that  
14          case, which of course is totally separate from this  
15          case, but is there any feeling you would have like,  
16          you know, I definitely think it's the right guy, you  
17          know, other jurors might say no, there's reasonable  
18          doubt, that you would just say no, gotta be it, this  
19          person is guilty, not based on what goes on in the  
20          jury room or in the courtroom but based on your own  
21          personal experiences or, you know, contacts with the  
22          District Attorney's office or the police?

23                    JUROR PLAMANN: I feel that I would be able  
24          to be objective to the information presented.

25                    ATTORNEY VISHNY: Okay. Thank you.

1 JUROR PLAMANN: But without the information  
2 being presented --

3 ATTORNEY VISHNY: No. No. No. Right.  
4 We're not going to give a summary of the trial here  
5 or anything, but we're just trying to explore your  
6 feelings because it's an unusual situation.

7 JUROR PLAMANN: Agreed.

8 ATTORNEY VISHNY: So -- okay. Thank you.

9 THE COURT: All right. Thank you very  
10 much.

11 (Ms. Plamann exits; Ms. Giesen enters.)

12 THE CLERK: This is Susan Giesen.

13 THE COURT: Hi, Miss Giesen. How are you?

14 JUROR GIESEN: Okay.

15 THE COURT: Good. So have you been able to  
16 hear all the questions that I asked up to this point?

17 JUROR GIESEN: Yup.

18 THE COURT: And are there any questions  
19 that you would have raised your hand to answer?

20 JUROR GIESEN: I can't remember them now.

21 THE COURT: Okay. Well let me -- I can ask  
22 you some of them. So have you ever been convicted of  
23 a felony?

24 JUROR GIESEN: No.

25 THE COURT: All right. You do live in



1 Outagamie County?

2 JUROR GIESEN: Yup.

3 THE COURT: You heard me -- you heard me  
4 introduce all of the parties?

5 JUROR GIESEN: Yup.

6 THE COURT: And did you recognize any of  
7 them?

8 JUROR GIESEN: No.

9 THE COURT: Okay. Did you recognize any of  
10 the witnesses who I named?

11 JUROR GIESEN: No.

12 THE COURT: Now, are you related by blood  
13 or marriage or do you have any close friends who are  
14 involved in law enforcement?

15 JUROR GIESEN: No.

16 THE COURT: Okay. Have you ever -- have  
17 you ever been a victim of a crime?

18 JUROR GIESEN: No.

19 THE COURT: Have you ever had a close  
20 friend who's been a victim of a crime that you're  
21 aware of?

22 JUROR GIESEN: No.

23 THE COURT: Now, I had -- I had mentioned  
24 to you that, you know, this -- where this incident  
25 took place was at the Luna Lounge which is in

1           downtown Appleton, and do you recall seeing any media  
2           about this case or seeing any press conference?

3                   JUROR GIESEN: Two years ago, but then I  
4           seen it again in Sunday's paper.

5                   THE COURT: Okay. And did you read those  
6           articles?

7                   JUROR GIESEN: Yes, because my husband  
8           says, Sue, I think you want to read this.

9                   THE COURT: Okay. And because you've read  
10          that, have you formulated any opinions about this  
11          case?

12                   JUROR GIESEN: I was thinking about --  
13          well, I read it last night, because it takes us a  
14          while to read the Sunday paper, and I was thinking  
15          about it, but like I always was taught, you can't  
16          judge it until you hear everything.

17                   THE COURT: Okay. And so do you have any  
18          opinions right now that the police have arrested the  
19          right guy or the wrong guy or do you have any  
20          opinions on that subject?

21                   JUROR GIESEN: No.

22                   THE COURT: Do you -- do you think that  
23          you'll -- do you have any biases in this case, and by  
24          that it could be, well there is a police officer  
25          that's going to testify and the police are always

1 right and so I'm going to believe what they say or,  
2 you know, we might have male witnesses and you might  
3 say, well I would never believe what a male says  
4 because they lie. Do you think you have any biases  
5 there?

6 JUROR GIESEN: No.

7 THE COURT: Okay. You've heard what the  
8 charges are?

9 JUROR GIESEN: Yes.

10 THE COURT: And what's being alleged. Do  
11 you have any -- any strong feelings about this type  
12 of crime that it would prevent you from being able to  
13 make a decision if you had to?

14 JUROR GIESEN: Can you run that by me  
15 again?

16 THE COURT: Sure. So these are -- and  
17 these are serious charges, and even though they're  
18 serious charges, do you think you would be able to  
19 listen to the evidence and make a decision based on  
20 the evidence as you hear it?

21 JUROR GIESEN: Yes.

22 THE COURT: Okay. Do you -- do you have  
23 any -- any conditions, whether it's a medical  
24 condition, a physical condition or a cognitive  
25 condition, that you think would make it difficult for

1           you to be a part of this jury if you were selected?

2                   JUROR GIESEN: Only if they're -- you know,  
3           in the beginning people were raising hands saying  
4           they couldn't hear what was going on, but then you  
5           said that they're going to be speaking with a  
6           microphone.

7                   THE COURT: Yup.

8                   JUROR GIESEN: Then I would be able,  
9           because once in a while I can't hear if somebody is  
10          talking really low.

11                  THE COURT: Okay. And was part of the  
12          problem because you were in back?

13                  JUROR GIESEN: Well, I was in the middle.

14                  THE COURT: Okay. Do you think if you were  
15          up front and in the jury box you would be able to  
16          hear better?

17                  JUROR GIESEN: Yeah.

18                  THE COURT: Okay. Do you have any -- any  
19          big obligations in the next couple weeks that you  
20          go --

21                  JUROR GIESEN: Only the Friday I have The  
22          Price Is Right.

23                  THE COURT: Tickets for the PAC?

24                  JUROR GIESEN: But that's at night at  
25          7:30.

1 THE COURT: Okay. We'll have you out of  
2 here by 7:30.

3 JUROR GIESEN: And then on the weekend of  
4 March -- starting like March 4th, that nighttime,  
5 until March 7th, we're a get-away weekend.

6 THE COURT: So you would be back Monday  
7 morning?

8 JUROR GIESEN: No, I'll be back Tuesday  
9 morning.

10 THE COURT: Okay. And where is -- where is  
11 that?

12 JUROR GIESEN: Wherever my husband wants to  
13 go for his birthday.

14 THE COURT: So is that something that could  
15 be rescheduled if you had to?

16 JUROR GIESEN: Yeah. We could.

17 THE COURT: Okay.

18 JUROR GIESEN: If we had to.

19 THE COURT: Attorney Schneider, any  
20 questions?

21 ATTORNEY SCHNEIDER: In the news articles  
22 you heard, you think that was a long time ago but  
23 then something more recent?

24 JUROR GIESEN: Well, I remember hearing  
25 about it two years ago, and then when it came in --

1 my husband showed me the article in the paper from  
2 Sunday, he said this is what you're going to be  
3 doing. I said really. So --

4 ATTORNEY SCHNEIDER: What do you remember  
5 from Sunday's article, Miss Giesen?

6 JUROR GIESEN: Just about some witness  
7 tapes were being deleted. That's about it. And then  
8 where the place was, I always thought it was at what  
9 used to be -- right across from PC building, was it  
10 -- wasn't it that place?

11 ATTORNEY SCHNEIDER: Over by the  
12 Post-crescent?

13 THE COURT: No, not the --

14 ATTORNEY SCHNEIDER: The PAC?

15 JUROR GIESEN: Yeah, the PAC. That used to  
16 be that lounge or not?

17 ATTORNEY SCHNEIDER: Yes. You are thinking  
18 of the right corner, the right intersection.

19 JUROR GIESEN: That's the only thing I -- I  
20 told my husband, well, that's that place.

21 THE COURT: Okay.

22 JUROR GIESEN: That's the only thing I  
23 thought about.

24 ATTORNEY SCHNEIDER: Okay. I don't have  
25 any other follow-up.

1 THE COURT: Okay.

2 ATTORNEY VISHNY: So I want to ask, so you  
3 read the articles, you read about tapes being  
4 deleted, how does that affect your opinion of this  
5 case?

6 JUROR GIESEN: I have to hear -- listen to  
7 everything, you know, that was involved in it, not --  
8 why did they delete them and what was the purpose of  
9 it.

10 ATTORNEY VISHNY: Okay.

11 JUROR GIESEN: I know it said so in the  
12 papers, but what they say in the paper is one thing  
13 compared to what people say is another.

14 ATTORNEY VISHNY: Okay. So is there any  
15 feeling like, oh, gee, you know, what was deleted  
16 must mean that the person on trial, the accused is  
17 guilty? Do you feel that way?

18 JUROR GIESEN: No, because I don't know  
19 what -- I would have to hear everything, you know,  
20 why he deleted it. See, I don't know what was in  
21 those tapes.

22 ATTORNEY VISHNY: Right. Well, does it  
23 give you any negative feelings towards police?

24 JUROR GIESEN: No.

25 ATTORNEY VISHNY: Okay. So I'll just be

1           honest and say, what if you can't hear why it was  
2           deleted? What if it's never brought up in the trial?  
3           Okay? So if you're listening to a trial and nobody  
4           says a word about it, all right, when you go into the  
5           jury room to make a decision, are you going to be  
6           thinking, you know --

7                     JUROR GIESEN: Why didn't they bring it up?

8                     ATTORNEY VISHNY: Yeah. Why didn't they  
9           bring it up, something is missing.

10                    JUROR GIESEN: Isn't that what I'm supposed  
11           to be asking?

12                    ATTORNEY VISHNY: So the rule is you can  
13           only decide based on what actually happens in the  
14           courtroom.

15                    JUROR GIESEN: Yup.

16                    ATTORNEY VISHNY: So -- and just so you  
17           know, there is no right or wrong answer here, nothing  
18           is right or wrong and the only wrong answer is a  
19           dishonest answer. Okay? So, I mean, I just want you  
20           to be honest, because if it's never brought up at all  
21           in the courtroom and you go back and you have this  
22           extra piece of information, you know, do you think  
23           you'll base your decision then partly on the fact  
24           that you have an extra piece of information that you  
25           read about in the paper?



1 JUROR GIESEN: I don't know what to say to  
2 that.

3 ATTORNEY VISHNY: Okay. Well, tell me why  
4 you don't know what to say to that.

5 JUROR GIESEN: Well, sometimes, you know,  
6 people will say something and they didn't really mean  
7 to say it and somebody else can interpret it the  
8 wrong way or the right way.

9 ATTORNEY VISHNY: Okay. And if you're on  
10 the jury and you're thinking about that, you know,  
11 you might get an instruction that you can't tell  
12 anyone else on the panel about it, right, because  
13 everybody is supposed to only decide on the court and  
14 a lot of people don't know about it. How do you feel  
15 about that? Would you be able to keep it to yourself  
16 because that's the rule? People can only decide  
17 based upon what happens in court.

18 JUROR GIESEN: No. Because if I have to  
19 keep it to myself, I would keep it to myself.

20 ATTORNEY VISHNY: Okay. All right. So the  
21 fact that you've read about this, you think you can  
22 only base this on what happens in the courtroom?

23 JUROR GIESEN: I think so.

24 ATTORNEY VISHNY: Okay. When you say you  
25 think so --

1 JUROR GIESEN: No, I believe so.

2 ATTORNEY VISHNY: I'm going to ask you are  
3 you sure. Okay? Still saying believe. I know I'm  
4 really hard on you there, and I don't mean to be  
5 rude, I'm just kind of a probing person, but I just  
6 want to make sure, because if you're not, it's  
7 perfectly okay.

8 JUROR GIESEN: Yup. I'm sure I can.

9 ATTORNEY VISHNY: Okay. All right. Thank  
10 you.

11 THE COURT: Any additional questions?

12 ATTORNEY VISHNY: No.

13 ATTORNEY SCHNEIDER: No.

14 THE COURT: All right. Miss Giesen, thank  
15 you very much.

16 (Ms. Giesen exits.)

17 ATTORNEY SCHNEIDER: I just want to talk  
18 about timing. Yeah. We're going to go to lunch  
19 until one I'm assuming for us.

20 THE COURT: That's fine.

21 ATTORNEY SCHNEIDER: Okay. He's done. I  
22 probably have -- and I will probably way  
23 underestimate, I don't know, I'm going to say I have  
24 at least an hour I'm thinking, and it depends, I  
25 don't know.

1                   ATTORNEY VISHNY: Depends how much they  
2 talk.

3                   THE COURT: Right.

4                   ATTORNEY SCHNEIDER: But some of the topics  
5 I'm going to ask I'm expecting to get responses from.  
6 How -- so I'm thinking at least an hour, I don't know  
7 what you're thinking.

8                   ATTORNEY VISHNY: We'll go the rest of the  
9 afternoon because I've got some pretty probing  
10 subjects, and unless they're very quiet --

11                  ATTORNEY SCHNEIDER: For planning purposes,  
12 I have people -- I know she probably thought I was  
13 crazy, but I had people on hold for this afternoon  
14 because I just want to if we get that far.

15                  THE COURT: I like your optimism.

16                  ATTORNEY SCHNEIDER: I'm going to cancel  
17 them I think at this point because we can go through  
18 the prior crimes, the charts, I know Alex has come up  
19 with a new chart. I don't think we sent it to you  
20 yesterday because you guys would not have gotten  
21 it.

22                  ATTORNEY VISHNY: We'll get everything by  
23 e-mail.

24                  ATTORNEY SCHNEIDER: And I hadn't thought  
25 to tell him that.

1 ATTORNEY VISHNY: We have laptops.

2 ATTORNEY SCHNEIDER: I'm just in -- then my  
3 preference would be not to do openings. I don't  
4 think we'd even have the time for that.

5 THE COURT: Let's just plan on openings at  
6 8:30 tomorrow.

7 ATTORNEY VISHNY: All right.

8 THE COURT: We'll finish up voir dire. No  
9 matter where we finish it up, it may very well go to  
10 the end of the day. We'll take care of the criminal  
11 charges, priors, and then that will be it today.

12 ATTORNEY SCHNEIDER: And then we probably  
13 should bring Mr. Paul Lee down at some point. They  
14 did locate him so he is now upstairs.

15 THE COURT: Okay.

16 ATTORNEY VISHNY: Okay. So let me ask this  
17 first of all. Do I need to call my office to tell  
18 them they need to get a lawyer for Paul Lee?

19 ATTORNEY SCHNEIDER: I don't know.

20 ATTORNEY VISHNY: I mean they are prepared  
21 to appoint a private lawyer.

22 ATTORNEY SCHNEIDER: Probably a good idea  
23 to get a hold of Padgham and ask him. Jon.

24 ATTORNEY VISHNY: I'll get a hold of  
25 somebody. Should they send -- because they have to

1           appoint a private bar lawyer.

2                   ATTORNEY SCHNEIDER: Right. That's right.

3                   ATTORNEY VISHNY: They have some people on  
4           call, I mean --

5                   ATTORNEY SCHNEIDER: Yup. We had this  
6           happen in July. I would have --

7                   ATTORNEY VISHNY: What time do we want to  
8           say, because that will be the first call I make.  
9           Well, could we do this --

10                   THE COURT: Why don't we do it after we  
11           select the jury. We can do it on our afternoon  
12           break.

13                   ATTORNEY SCHNEIDER: Then at least for  
14           courtesy sake that attorney is not sitting.

15                   ATTORNEY VISHNY: But they also might need  
16           time to call somebody.

17                   ATTORNEY SCHNEIDER: So do we want to say  
18           4:00?

19                   THE COURT: I was thinking what we would do  
20           is we'll come back at one, start up at one, let's  
21           break at around three because we're two hours in.

22                   ATTORNEY VISHNY: So 3:00 have counsel?

23                   ATTORNEY SCHNEIDER: Yup.

24                   ATTORNEY VISHNY: I don't want to prejudge  
25           anything, but if this is in Milwaukee the guy would

1 be staying in jail until he testified, so assuming  
2 that that occurs here, that means you would probably  
3 call him tomorrow, right, or not?

4 ATTORNEY SCHNEIDER: Well, we have people  
5 we have to get on tomorrow. That's what I have to  
6 assess.

7 ATTORNEY VISHNY: We can ask in the  
8 afternoon.

9 ATTORNEY SCHNEIDER: I got to check with  
10 Stephanie on that.

11 THE COURT: So we're letting -- let me just  
12 make sure. We're letting Mr. Peterson go, we're  
13 letting Mr. Managan go. Okay.

14 THE CLERK: Just those two.

15 THE COURT: So then we'll just do it the  
16 same way we did, and then we'll call up our last two.

17 (In open court.)

18 THE COURT: Again, I appreciate everyone's  
19 indulgence.

20 Mr. Peterson, at this time I thank you very much  
21 for your service, sir. Your service is completed.

22 THE CLERK: No. 6559, Laurie Dey.

23 THE COURT: Mr. Managan, likewise, I thank  
24 you very much for your service today, sir. You are  
25 excused.

1 JUROR MANAGAN: Thank you.

2 THE CLERK: No. 6947, Mannie Maas; No.  
3 6775, Bridget Plamann; No. 571, Susan Giesen.

4 THE COURT: And, ladies and gentlemen, at  
5 this time I have completed my questioning. As I have  
6 indicated to you previously, there will be questions  
7 asked by both sets of counsel.

8 However, at this time I'd like to break for  
9 lunch. We do have food for you in Branch III, which  
10 is the courtroom where you had initially gathered  
11 prior to coming in. We will be then in recess until  
12 1:00. I would ask that you return at 1:00.

13 As for those members who are part of the panel,  
14 I would ask that when you return that you take the  
15 same seats as you are currently located in. Okay?

16 And with that, then, we will be in recess until  
17 1:00.

18 (A lunch recess was taken.)

19 THE COURT: As I'd indicated, I completed  
20 my initial questioning for you so at this time I'd be  
21 turning it over to the respective parties.

22 Attorney Schneider, are you prepared to proceed  
23 at this time?

24 ATTORNEY SCHNEIDER: I am, Judge.

25 We have a little different configuration than

1           we're used to in this courtroom, so bear with us,  
2           we're trying to do the best with all of us on this  
3           side of the room and not block anybody's view.

4           If anyone has any difficulty at any time hearing  
5           me, please let me know. And that still continues for  
6           those of you in the back because, as you've seen,  
7           just because you had a seat in the back doesn't mean  
8           we're not going to have some musical chairs here and  
9           you might get called up. So please, again, listen to  
10          all the questions. If you can't hear me, please let  
11          me know.

12          Judge has already kind of indicated to you this  
13          process, it's called voir dire, and he kind of used  
14          words I often use. We're not trying to pry into your  
15          lives, we're not going to try to ask a question  
16          that's going to make you uncomfortable, but we're  
17          really trying to find out about your life experiences  
18          and how those life experiences might relate to your  
19          service as a juror in this case.

20          For example, and obviously you know this is not  
21          the case, if this was a car accident where someone  
22          was injured and we were going to have a trial over  
23          that, I would want to know if any of you had been in  
24          a car accident or if you had been injured so I do  
25          have some -- a series of questions related to some of



1 the facts and some of the items that you'll hear over  
2 the next few days as we continue this case.

3 I want to also tell you, if I ask a question and  
4 you don't understand me, please raise your hand.  
5 It's likely I asked a bad question, and I'd rather  
6 have you ask me to clarify or rephrase it than not  
7 get the meaning of what I was trying to get to.  
8 Okay?

9 Same thing, if you're in the middle of  
10 something, I'm talking about Luna Lounge, which we're  
11 going to talk about, and you remember something  
12 either the judge asked early this morning or  
13 something I brought up earlier and you remember it,  
14 interrupt me. I'd much rather have us make sure we  
15 address that thing you remember or that item you want  
16 to talk about than you think, oh, I'll wait, and then  
17 later you forget what it was you wanted to bring up.  
18 So please feel free to interrupt me. We just want to  
19 kind of try to get all the answers out.

20 You will see we also have a court reporter, so  
21 try not to talk on top of me if you can. I promise I  
22 will try not to talk on top of you, but it's also why  
23 we always identify you by your name before I get an  
24 answer from you, just to assist the court reporter in  
25 her duties.

1           The judge has indicated to you that this case is  
2           currently set for the balance of this week and all of  
3           next week. And I know there was an opportunity when  
4           you were sent your original voir dire paperwork and  
5           packet from the clerk's office to fill out if you had  
6           vacation or some other issue, but now that you're  
7           actually here, I just want to ask anyone whether you  
8           have something, whether it's a work related item, a  
9           project that, you know, you think you have to get due  
10          or that is due, or something in a personal life. We  
11          know, Miss Hermus, March 12th is yours. Okay? But  
12          it can be anything. I had a man whose wife was ten  
13          months pregnant, didn't think to mention anything --  
14          I'm sorry, she was seven months pregnant, didn't  
15          think to mention anything, we picked him, went out,  
16          his wife started labor early. So anything like that,  
17          we would much rather have you talk about so we can  
18          try to assess your schedules. It could be that  
19          you're thinking, oh, I can probably get back to work  
20          next Wednesday or Thursday. We can't guarantee that.  
21          And we might have to go into that Monday, March 7th  
22          or Tuesday the 8th. So does anyone right now as I  
23          ask that think of anything either in your work,  
24          personal life, some issue that either you feel like  
25          you have to attend to or, on the other side,

1 something that's going to distract you because you're  
2 going to be thinking about whatever that other item  
3 is?

4 (No response.)

5 ATTORNEY SCHNEIDER: Okay. We will take  
6 our best to take breaks and to accommodate you, but I  
7 also often ask jurors this question, because  
8 sometimes when we get in the courtroom it's afternoon  
9 and it's getting warmer, it gets hot, sometimes  
10 people get drowsy. Some people might be on  
11 medications where that might be a side effect. Is  
12 there anyone on a medication or have some other issue  
13 where you have concerns about that at all?

14 (No response.)

15 ATTORNEY SCHNEIDER: We're in the middle of  
16 the cold and flu season and sometimes those things  
17 don't work too well if you're trying to pay attention  
18 as opposed to stay focused.

19 Has anyone on the panel ever served on a jury  
20 before?

21 Okay. And raise your hands and then I'll  
22 identify everybody for the record and then I'll come  
23 back to you. So it's Mr. Shea? And just let me  
24 finish up. And then Ms. Elbe?

25 JUROR ELBE: I didn't have to do the jury.

1 We got there but then they canceled it out. So --

2 JUROR PAUL: Yeah. Same here.

3 ATTORNEY SCHNEIDER: Let me go back to Mr.  
4 Shea first and then I'll come to you ladies here in  
5 the front row.

6 Mr. Shea, when was that?

7 JUROR FLEMING: Actually I'm Steve  
8 Fleming.

9 ATTORNEY SCHNEIDER: I'm sorry. I'm in the  
10 wrong row. Mr. Shea, you're looking at me like,  
11 hello. Sorry. That's one of those raise your hands,  
12 say wrong guy.

13 Mr. Fleming, when was that?

14 JUROR FLEMING: I don't remember the exact  
15 time, probably eight years ago, eight or ten years  
16 ago.

17 ATTORNEY SCHNEIDER: Okay. Was it here in  
18 Outagamie County?

19 JUROR FLEMING: Yes.

20 ATTORNEY SCHNEIDER: Did you actually serve  
21 on the jury?

22 JUROR FLEMING: Yes.

23 ATTORNEY SCHNEIDER: Do you remember what  
24 kind of case it was?

25 JUROR FLEMING: It was an industrial

1 accident.

2 ATTORNEY SCHNEIDER: Did it get to the  
3 point where the jury had to reach a verdict?

4 JUROR FLEMING: Yes.

5 ATTORNEY SCHNEIDER: Do you remember who  
6 you -- who the verdict was reached for?

7 JUROR FLEMING: It was awarded to the  
8 plaintiff.

9 ATTORNEY SCHNEIDER: The plaintiff. The  
10 moving party.

11 JUROR FLEMING: (Nodding.)

12 ATTORNEY SCHNEIDER: Did you serve as the  
13 foreperson at all?

14 JUROR FLEMING: No.

15 ATTORNEY SCHNEIDER: And that's your one  
16 time for jury experience, Mr. Fleming?

17 JUROR FLEMING: Yes.

18 ATTORNEY SCHNEIDER: Okay. Thank you.

19 Then I'm going to move to what I'd call the  
20 third row and then I'm going to come to the front  
21 row. I'll come to you, Miss Giesen, in just a  
22 second.

23 So it's Miss Elbe?

24 JUROR ELBE: Um-hum.

25 ATTORNEY SCHNEIDER: Am I saying that

1 right?

2 JUROR ELBE: Yes, correct, thank you.

3 ATTORNEY SCHNEIDER: So you were called for  
4 jury duty, and I think you said that you didn't  
5 actually have to serve?

6 JUROR ELBE: That's right. They had taken  
7 and did the outstanding, you know, prior to going in  
8 to the point of jury.

9 ATTORNEY SCHNEIDER: Okay. Was that here  
10 in Outagamie County?

11 JUROR ELBE: Yes.

12 ATTORNEY SCHNEIDER: And do you remember  
13 when, if you know?

14 JUROR ELBE: It would have been at least  
15 four years ago. Um-hum.

16 ATTORNEY SCHNEIDER: Thank you.

17 And then I'm going to forget from this morning,  
18 is it Giesen or Giesen?

19 JUROR GIESEN: Giesen.

20 ATTORNEY SCHNEIDER: Miss Giesen, when did  
21 you have jury duty?

22 JUROR GIESEN: About 15, 17 years ago.

23 ATTORNEY SCHNEIDER: Where?

24 JUROR GIESEN: Here.

25 ATTORNEY SCHNEIDER: Do you remember what

1 type of case it was?

2 JUROR GIESEN: It was a house party.

3 ATTORNEY SCHNEIDER: Were there criminal  
4 charges because of the party?

5 JUROR GIESEN: Apparently somebody hit  
6 somebody's car and two hours within the trial we were  
7 called out and it was settled.

8 ATTORNEY SCHNEIDER: Do you remember if it  
9 was criminal charges were brought in that case?

10 JUROR GIESEN: After we got into the trial,  
11 they called us out and --

12 ATTORNEY SCHNEIDER: It settled so you  
13 don't know?

14 JUROR GIESEN: No.

15 ATTORNEY SCHNEIDER: All right. Thank you.  
16 Anyone else prior jury experience?

17 Okay. Miss Paul. When was that and where?

18 JUROR PAUL: Winnebago County about 25  
19 years ago. I don't remember the case.

20 ATTORNEY SCHNEIDER: Okay.

21 JUROR PAUL: I never got to serve. They  
22 didn't choose me.

23 ATTORNEY SCHNEIDER: Okay. Anyone else?

24 Okay. Mr. Keleske?

25 JUROR KELESKE: Correct.

1 ATTORNEY SCHNEIDER: When was that, sir?

2 JUROR KELESKE: Twice, once in Racine  
3 County probably, I'm just guessing, back in the early  
4 '90s, and then four to six years ago here. I didn't  
5 get chosen for either place.

6 ATTORNEY SCHNEIDER: Neither one. Thank  
7 you, Mr. Keleske.

8 I have started asking this question, the next  
9 question I'm going to ask, based on an experience I  
10 had where, unbeknownst to me, I had a mother-in-law  
11 on the panel with her son-in-law. Different last  
12 names; would not have known that. But one of the  
13 things we will ask you to do if you're selected as a  
14 juror is at the end you go back and deliberate. So  
15 just the group up here, look around amongst  
16 yourselves, does anyone recognize anyone else?

17 So -- it always comes up someone does. Mr. Van  
18 Dalen?

19 JUROR VAN DALEN: Yup.

20 THE COURT: Who else do you know?

21 JUROR VAN DALEN: Gentlemen on the end. I  
22 don't know his name but our kids go to the same  
23 school. He jump started my car one time.

24 ATTORNEY SCHNEIDER: You call him jumper  
25 cable guy already or something?



1 JUROR VAN DALEN: Okay.

2 ATTORNEY SCHNEIDER: And it's Mr. Nieman?

3 JUROR NIEMAN: Nieman.

4 ATTORNEY SCHNEIDER: Obviously you didn't  
5 recognize Mr. Van Dalen until --

6 JUROR NIEMAN: Now I do.

7 ATTORNEY SCHNEIDER: It sounds like - I'll  
8 keep my questions on Mr. Nieman - kids just go to the  
9 same school. Would that cause you any concern if you  
10 had to serve on the jury with Mr. Van Dalen?

11 JUROR NIEMAN: No.

12 ATTORNEY SCHNEIDER: Same question to you  
13 Mr. Van Dalen.

14 JUROR VAN DALEN: No.

15 THE COURT: Anyone else in the group of you  
16 up here.

17 (No response.)

18 ATTORNEY SCHNEIDER: Okay. Thank you.

19 Judge has kind of started to talk about the  
20 different types of witnesses you're going to hear in  
21 this case, and I know he asked about experience, if  
22 anyone had a family member or a close friend who was  
23 employed in law enforcement.

24 I think, Mr. Parker, you talked about your son  
25 who is in Brillion?

1 JUROR PARKER: Yes.

2 ATTORNEY SCHNEIDER: How long has he been  
3 an officer?

4 JUROR PARKER: He started out as --

5 ATTORNEY SCHNEIDER: Like a CSO?

6 JUROR PARKER: Right.

7 ATTORNEY SCHNEIDER: Community service  
8 officer.

9 JUROR PARKER: For a few years, and I'd say  
10 probably four years now.

11 ATTORNEY SCHNEIDER: Do you talk to him  
12 about his work?

13 JUROR PARKER: Not too often. He's pretty  
14 tight-lipped about everything. He was like that  
15 since he was a kid.

16 ATTORNEY SCHNEIDER: Okay. Now, you're  
17 obviously going to hear from several officers who are  
18 witnesses in this case, and what the judge is going  
19 to instruct you is you should weigh their testimony  
20 as equal as anyone else who comes in. Having a son  
21 who is an officer, do you think you're going to apply  
22 that principle of law that the judge gives to you?

23 JUROR PARKER: Yes.

24 ATTORNEY SCHNEIDER: Okay. I think judge  
25 asked about close family members or friends but I

1 don't think he asked if anyone on the panel had  
2 anyone ever themselves been employed in law  
3 enforcement. I want to make sure I cover that in  
4 case that wasn't clear in the questions the judge had  
5 asked.

6 (No response.)

7 ATTORNEY SCHNEIDER: No one has a family  
8 member or friend other than Mr. Parker?

9 (No response.)

10 ATTORNEY SCHNEIDER: Judge has instructed  
11 you, and I want to just remind you of this and make  
12 sure I ask the question again, the first charge I  
13 read to you in this case is a charge of a homicide.  
14 It is a very significant case and a very significant  
15 request we make of you to come in and serve as  
16 potential jurors. There are other charges I also  
17 read to you about other crimes we will elicit  
18 testimony about that the defendant committed, but as  
19 a juror, I just want to make sure you understand your  
20 role is to act ultimately as the judge and return a  
21 verdict in this case. It's one of the reasons you'll  
22 see when you come in and out of the courtroom, but  
23 for this morning, because we're kind of in an odd  
24 layout, we rise for you because we give you that same  
25 respect that we give the judge when he enters the

1           courtroom. Sometimes people have personal reasons,  
2           sometimes people have moral or religious reasons  
3           about judging another. I'd rather have you raise  
4           those now than think, well, I'm one of how many, I  
5           might not get picked. So does anyone at this time  
6           think you would have any concerns about being asked  
7           to return a verdict in a homicide case?

8                       (No response.)

9                       THE COURT: Okay. Mr. Fleming. I'm going  
10           to get it right this time. Is it something you want  
11           to talk about in private or are you comfortable  
12           talking about it here?

13                      JUROR FLEMING: Probably in private.

14                      ATTORNEY SCHNEIDER: In private. Okay.

15                      Anyone else have those same kind of concerns or  
16           issues you'd like to discuss with us?

17                      (No response.)

18                      ATTORNEY SCHNEIDER: Okay. I don't know if  
19           you want me to continue and see if there is anyone  
20           else or if we want to take a break and take Mr.  
21           Fleming back now.

22                      THE COURT: Why don't we take just -- we'll  
23           take a couple more questions just to make sure that  
24           you don't have anyone else that would like to go back  
25           and then we'll take a short break.

1                   ATTORNEY SCHNEIDER: Okay. I also want to  
2                   just explain to you that because this is a homicide  
3                   case you will learn that the victim Mr. Richards was  
4                   shot in the head. We're going to limit graphic  
5                   images, photographs, but you're still going to hear  
6                   that testimony. Does anyone think it would be  
7                   difficult for them to be a juror when that type of  
8                   testimony or those types of matters are discussed?

9                   (No response.)

10                  ATTORNEY SCHNEIDER: Judge has already  
11                  talked about the location of where the incident  
12                  occurred back in December of 2013. I just want to  
13                  talk a little bit about that area. It is now, as the  
14                  court reporter corrected the judge, it's a location  
15                  that's now at the corner of College and Division,  
16                  across from the Performing Arts Center, the PAC.  
17                  That business has been, I'm going to go back, and  
18                  some of you will remember, Viking Theatre at one  
19                  point, then it was a bar I think called Route 66 for  
20                  a while. I think for a while it might have been a  
21                  bar called Wet. Most recently it was a bar called  
22                  Luna Lounge, and then above it was another bar that  
23                  was Drinks Incorporated. Anyone on the panel, I'm  
24                  going to ask it this way, not familiar with that area  
25                  of Appleton or College Avenue at all?

1 (No response.)

2 JUROR KELESKE: I'm not.

3 ATTORNEY SCHNEIDER: That's okay. So, Mr.  
4 Keleske, just not familiar with that area at all?

5 JUROR KELESKI: No.

6 ATTORNEY SCHNEIDER: Okay. That's  
7 perfectly fine.

8 Anyone else on the panel? Okay. I'm going to  
9 come to you. Mr. Green?

10 JUROR GREEN: Yes.

11 ATTORNEY SCHNEIDER: Not familiar with the  
12 Avenue, downtown Appleton?

13 JUROR GREEN: No.

14 ATTORNEY SCHNEIDER: Now I'm going to ask  
15 the reverse question but a little bit more  
16 specifically. For those of you who are familiar with  
17 that area, how many have ever went to the  
18 establishment when it was Luna Lounge?

19 Okay. So in the back it's Mr. Nieman. I'll ask  
20 you this. About how many times in a month, in a  
21 year, do you think you might have went there?

22 JUROR NIEMAN: Probably two times total.

23 ATTORNEY SCHNEIDER: Oh, okay. And when  
24 was the last time you might have visited there?

25 JUROR NIEMAN: Three years ago maybe.

1                   ATTORNEY SCHNEIDER: Okay. Thank you, Mr.  
2           Nieman.

3                   And then in the back row, Mr. -- is it Calmes?

4                   JUROR CALMES: Yes.

5                   ATTORNEY SCHNEIDER: Familiar from -- with  
6           just going out downtown Appleton?

7                   JUROR CALMES: Yes.

8                   ATTORNEY SCHNEIDER: Okay. Same kind of  
9           questions I asked Mr. Nieman about how often, when?

10                  JUROR CALMES: Twice. And the last time  
11           was exactly three years ago.

12                  ATTORNEY SCHNEIDER: Okay. Thank you, Mr.  
13           Calmes.

14                  Then anyone else in the back row?

15                  (No response.)

16                  ATTORNEY SCHNEIDER: Okay. Then, in the  
17           second row, is there anyone who raised their hand?

18                  (No response.)

19                  ATTORNEY SCHNEIDER: All right. And then  
20           in the row starting with Mr. Shea, anyone familiar or  
21           have visited Luna Lounge?

22                  Okay. First it's Miss Erickson?

23                  JUROR ERICKSON: Yes.

24                  ATTORNEY SCHNEIDER: When would have you  
25           visited there?

1 JUROR ERICKSON: About three years ago,  
2 like the other gentlemen said, and just a few times a  
3 year, just pop in usually.

4 ATTORNEY SCHNEIDER: And then anyone else  
5 in that row? Okay. So I'm going to pop up, I'm  
6 going to move my sheet here. Mr. Webster?

7 JUROR WEBSTER: Yes.

8 ATTORNEY SCHNEIDER: When would have that  
9 been?

10 JUROR WEBSTER: Probably like four years  
11 ago, used to go there every weekend.

12 ATTORNEY SCHNEIDER: Was there a group of  
13 friends that you would typically visit that  
14 establishment with?

15 JUROR WEBSTER: That was our hangout back  
16 in the day.

17 ATTORNEY SCHNEIDER: Okay. So you're  
18 familiar with kind of the layout and how there is a  
19 lower bar and then I would say like the upper bar  
20 area?

21 JUROR WEBSTER: Yeah. Usually remodel --  
22 remodel like every two years.

23 ATTORNEY SCHNEIDER: Yeah. They go quite a  
24 bit.

25 Okay. And then anyone else in the front row?



1           Okay. Miss Vandenberg?

2                       JUROR VANDENBERG: Um-hum.

3                       ATTORNEY SCHNEIDER: Just from going out  
4           downtown?

5                       JUROR VANDENBERG: Yeah. I was there once  
6           two years ago.

7                       ATTORNEY SCHNEIDER: All right. Thank you  
8           all.

9                       Anyone work in a capacity or in a job where you  
10          might have had contact with Luna in that capacity?

11                      (No response.)

12                      ATTORNEY SCHNEIDER: And you have to bear  
13          with me. If I see somebody kind of move or I'm going  
14          to try to see, I want to make sure I don't miss a  
15          hand. But I just saw you, Mr. Keleske, so I had to  
16          quick look at you.

17                      How many people -- so I'm going to expand it  
18          from Luna to just kind of the general downtown  
19          College Avenue area. How many people frequent that  
20          to either go out to the drinking establishments, many  
21          of the eating restaurants we have downtown or the  
22          PAC? How many people would say they do that on a  
23          monthly basis?

24                      Okay. So Mr. Parker?

25                      JUROR PARKER: Yes.

1                   ATTORNEY SCHNEIDER: Just to go downtown;  
2                   is there a particular restaurant that's of interest?

3                   JUROR PARKER: We go to the Bad Badger bar  
4                   for Badger games and stuff like that. And then The  
5                   Bar on occasion and Katsu Ya occasionally and the  
6                   PAC.

7                   ATTORNEY SCHNEIDER: Have you been to the  
8                   new Katsu Ya or the old?

9                   JUROR PARKER: No, not yet.

10                  ATTORNEY SCHNEIDER: Okay.

11                  And then anyone else before I get in front of  
12                  the bar? Was it you, Miss Paul?

13                  JUROR PAUL: (Nodding.)

14                  ATTORNEY SCHNEIDER: And where do you  
15                  typically go when you go out downtown?

16                  JUROR PAUL: Restaurants, Katsu Ya, Cena.

17                  ATTORNEY SCHNEIDER: There is another  
18                  establishment on College Avenue as well that you will  
19                  hear referenced during the course of this trial, and  
20                  it's had a series of names, much like Luna has. I'm  
21                  going to not get the first name when it was a pool  
22                  hall, but for a while it was known as Sharks  
23                  Billiards or Sharks Pool Hall. I think right now  
24                  it's KK Billiards is the name of it. But it's always  
25                  been in the same area. It's within Park Central. If

1 I say that, some of you might know that. Has anyone  
2 ever been at Sharks Pool Hall before?

3 Okay. I'm going to start in the back and then  
4 work my way up. Mr. Calmes? Just a lot, a little,  
5 sometimes they have leagues, so that's why I'm just  
6 wondering.

7 JUROR CALMES: Yeah. I've probably been  
8 there ten times in my life.

9 ATTORNEY SCHNEIDER: And when do you think  
10 the last time was that you were there?

11 JUROR CALMES: I was there this November.

12 ATTORNEY SCHNEIDER: Okay. All right.

13 Thank you.

14 And then anyone else in the back row?

15 (No response.)

16 ATTORNEY SCHNEIDER: And I'm going to move  
17 up a row. I thought I saw a hand. Was it Mr. Wells?

18 JUROR WELLS: Yup.

19 ATTORNEY SCHNEIDER: Okay. How often do  
20 you think you have been to Sharks?

21 JUROR WELLS: Two or three times maybe.

22 I've been when it was Route 66, I was there as  
23 well.

24 ATTORNEY SCHNEIDER: Okay.

25 JUROR WELLS: I've been in there one time

1           upstairs.

2                   ATTORNEY SCHNEIDER: Thank you, Mr. Wells.

3                   Anyone else in that row or the question about  
4           Sharks?

5                   (No response.)

6                   ATTORNEY SCHNEIDER: Then the row in front  
7           of the bar. I thought I saw a few hands. Miss  
8           Erickson?

9                   JUROR ERICKSON: Went there too many times  
10          to count about three to five years ago.

11                  ATTORNEY SCHNEIDER: Were you in a pool  
12          league?

13                  JUROR ERICKSON: No. Just went there a  
14          lot.

15                  ATTORNEY SCHNEIDER: Is it something where  
16          you and friends would go?

17                  JUROR ERICKSON: Correct.

18                  ATTORNEY SCHNEIDER: On a somewhat  
19          consistent basis?

20                  JUROR ERICKSON: Correct.

21                  ATTORNEY SCHNEIDER: And then, Miss Lee,  
22          did you raise your hand as well?

23                  JUROR LEE: Yes.

24                  ATTORNEY SCHNEIDER: Okay. How often do  
25          you think you've been to Sharks?

1 JUROR LEE: Very little, but very long ago.

2 I'm thinking maybe like nine years ago.

3 ATTORNEY SCHNEIDER: What did you say?

4 JUROR LEE: Like ten years ago.

5 ATTORNEY SCHNEIDER: All right. Thank you,  
6 Miss Lee.

7 Anyone else in that row? I thought I did see  
8 your hand. Micke?

9 JUROR MICKE: Yeah. Cassie Micke.

10 ATTORNEY SCHNEIDER: Micke. Okay. Miss  
11 Micke, when was that?

12 JUROR MICKE: About 15 years ago once or  
13 twice.

14 ATTORNEY SCHNEIDER: Thank you.

15 Mr. Nichols?

16 JUROR NICHOLS: Yeah. I was there once  
17 with some friends. Would have been like ten, twelve  
18 years ago.

19 ATTORNEY SCHNEIDER: Thank you, Mr.  
20 Nichols.

21 Anyone else in anyone in the front row? Mr.  
22 Webster?

23 JUROR WEBSTER: About four years ago.

24 ATTORNEY SCHNEIDER: Okay. Do you think  
25 you went to Sharks more or Luna more?

1 JUROR WEBSTER: Bar hopping around that  
2 area.

3 ATTORNEY SCHNEIDER: Okay. Thank you.  
4 Anyone else that I might have missed?

5 (No response.)

6 ATTORNEY SCHNEIDER: You will also hear at  
7 one point in this case a reference to the 1700 block  
8 of North Harriman Street in the City of Appleton. I  
9 sometimes mention that because if people live in that  
10 area you might be more familiar with it or if you  
11 work in that area. Anyone ever now or in the past  
12 live or work in that area?

13 Okay. Mr. Schueller?

14 JUROR SCHUELLER: Yes. I deliver for Fed  
15 Ex so I'm through there quite often.

16 ATTORNEY SCHNEIDER: Okay. But no  
17 particular familiarity with that area probably than  
18 any of the other spots you deliver to?

19 JUROR SCHUELLER: No.

20 ATTORNEY SCHNEIDER: Okay. Thank you, Mr.  
21 Schueller.

22 Anyone else?

23 (No response.)

24 ATTORNEY SCHNEIDER: You will learn through  
25 testimony that the day of the incident the defendant

1           went and visited a Hilton hotel in Milwaukee. Has  
2           anyone ever stayed at a Hilton in Milwaukee before?  
3           Everyone is trying to think, I see that.

4                       (No response.)

5                       ATTORNEY SCHNEIDER: Okay. No one's -- I'm  
6           going to assume no one has recently stayed at this  
7           Hilton in Milwaukee by the responses.

8                       As you've already heard, the incident with the  
9           defendant and Mr. Richards, the victim, occurred at  
10          Luna and it occurred at approximately 1:50 in the  
11          morning. Has anyone ever worked at a bar or worked  
12          as a bouncer, a bartender at a bar?

13                      Okay. So, Miss Meyer, yes or no?

14                      JUROR MEYER: I didn't work as a bouncer or  
15          bartender. I ran volleyball.

16                      ATTORNEY SCHNEIDER: Okay. Did you ever  
17          have an occasion where you were running that program  
18          where any -- hopefully not volleyball was that  
19          competitive, but where any fights or issues started?

20                      JUROR MEYER: Not with volleyball, no.

21                      ATTORNEY SCHNEIDER: Thank you.

22                      And then it's Mr. Maas?

23                      JUROR MAAS: Um-hum.

24                      ATTORNEY SCHNEIDER: Okay. Mr. Maas, did  
25          you work at a bar?

1 JUROR MAAS: I leased a bar for two  
2 years.

3 ATTORNEY SCHNEIDER: For two weeks?

4 JUROR MAAS: Two years.

5 ATTORNEY SCHNEIDER: Two years. That's  
6 what I thought. Two weeks. What bar was that?

7 JUROR MAAS: (Unintelligible) in Oneida.

8 ATTORNEY SCHNEIDER: Was it something, Mr.  
9 Maas -- I'm going to assume that you were there  
10 probably almost every day?

11 JUROR MAAS: I was.

12 ATTORNEY SCHNEIDER: Was the bar large  
13 enough that you had other staff also?

14 JUROR MAAS: Yes.

15 ATTORNEY SCHNEIDER: Was it a situation,  
16 Mr. Maas, where you ever had fights or had to address  
17 fights that were occurring in the bar?

18 JUROR MAAS: I did, yes.

19 ATTORNEY SCHNEIDER: Did you ever have to  
20 call the police for assistance?

21 JUROR MAAS: Yes.

22 ATTORNEY SCHNEIDER: And then is it a  
23 situation, Mr. Maas, from that where you ever had to  
24 provide testimony about what you saw?

25 JUROR MAAS: No, ma'am, I didn't.



1                   ATTORNEY SCHNEIDER: Okay. Thank you, Mr.  
2                   Maas.

3                   Anyone else then ever work at a bar?

4                   Okay. I'm going to come to the middle row.  
5                   Miss Lee?

6                   JUROR LEE: Yes.

7                   ATTORNEY SCHNEIDER: What bar was that,  
8                   Miss Lee?

9                   JUROR LEE: The Bar on Lynndale.

10                  ATTORNEY SCHNEIDER: And when did you work  
11                  there?

12                  JUROR LEE: Late '90s, '97, '98 or  
13                  something like that.

14                  ATTORNEY SCHNEIDER: Were you working there  
15                  full-time or part-time?

16                  JUROR LEE: Part-time. Just bartended.

17                  ATTORNEY SCHNEIDER: Had you had the  
18                  occasion where there were fights that broke out while  
19                  you were bartending?

20                  JUROR LEE: Not -- not when I worked.

21                  ATTORNEY SCHNEIDER: Okay. Did The Bar on  
22                  some of the occasions, maybe more on the weekends,  
23                  have extra security staff that would work?

24                  JUROR LEE: Yeah. They had bouncers.

25                  ATTORNEY SCHNEIDER: Thank you, Miss Lee.

1 And then anyone else in that row?

2 Okay. First Mr. Nichols, then I'll get to you,  
3 Miss Paul.

4 JUROR NICHOLS: I worked as a  
5 doorman/bouncer at a bar in southern Wisconsin.

6 ATTORNEY SCHNEIDER: Okay. When was that,  
7 Mr. Nichols?

8 JUROR NICHOLS: What was that?

9 ATTORNEY SCHNEIDER: When was that?

10 JUROR NICHOLS: That would have been around  
11 '99, 2000, somewhere in there.

12 ATTORNEY SCHNEIDER: Part-time?

13 JUROR NICHOLS: Yeah.

14 ATTORNEY SCHNEIDER: Okay. Worked probably  
15 most weekends?

16 JUROR NICHOLS: Um-hum.

17 ATTORNEY SCHNEIDER: Not knowing where it  
18 was, and you don't need to disclose, but was it a  
19 situation where you would have fights at the bar  
20 occasionally?

21 JUROR NICHOLS: There were a couple, yeah.  
22 I never had to deal with jury duty. We did call the  
23 police after. We escorted them out though.

24 ATTORNEY SCHNEIDER: So you did call the  
25 police at times but never had to come in and testify?

1 JUROR NICHOLS: Correct.

2 ATTORNEY SCHNEIDER: Ever have a situation  
3 where someone had a gun in the bar and you didn't  
4 know?

5 JUROR NICHOLS: Not a gun.

6 ATTORNEY SCHNEIDER: Other weapons, though,  
7 I'm guessing by your answer?

8 JUROR NICHOLS: A pruner.

9 ATTORNEY SCHNEIDER: A pruner. Okay. Now  
10 I have to know what bar it was. Threw me off there.  
11 And that was the only bar you had worked at?

12 JUROR NICHOLS: Yes, I believe so.

13 ATTORNEY SCHNEIDER: Okay. Thank you, Mr.  
14 Nichols.

15 And then finally the front row. Is there  
16 anyone?

17 Miss Paul. What bar was that?

18 JUROR PAUL: Fox Valley Lanes in Neenah.

19 ATTORNEY SCHNEIDER: Sure. And how long  
20 did you work there?

21 JUROR PAUL: Only a few months.

22 ATTORNEY SCHNEIDER: And when was that?

23 JUROR PAUL: Last year, last winter,  
24 2015.

25 ATTORNEY SCHNEIDER: Bowling ever get so

1 feisty --

2 JUROR PAUL: No.

3 ATTORNEY SCHNEIDER: -- that you had any  
4 fights break out?

5 JUROR PAUL: Not really.

6 ATTORNEY SCHNEIDER: Anyone ever work in a  
7 profession in the past where you worked security?  
8 I'm going to use that word broadly, it could be a  
9 bouncer at a different type of facility, it could be  
10 at some of our community events where you're there  
11 kind of as security kind of watching what's going on,  
12 we have a lot of church festivals where some of the  
13 members have to take on that role, or it could be a  
14 security at a different type of facility or event.  
15 Anyone ever have a job where they worked in that kind  
16 of capacity or volunteered, I should say, too.

17 Okay. So I'm going to come to you. Mr.  
18 Bloomer?

19 JUROR BLOOMER: Correct.

20 ATTORNEY SCHNEIDER: When was that?

21 JUROR BLOOMER: I've worked security a good  
22 part of my life so it could be -- I worked for  
23 Securitas, Pinkerton.

24 ATTORNEY SCHNEIDER: Sure.

25 JUROR BLOOMER: So you see quite a bit of,

1 I'm not sure you mean fights, yes, you -- you just  
2 bring a calm to that sort of thing.

3 ATTORNEY SCHNEIDER: Is it your role in  
4 those situations, Mr. Bloomer, where you're kind of  
5 always paying attention or looking out for that in  
6 those roles?

7 JUROR BLOOMER: Yes, that's -- yes.

8 ATTORNEY SCHNEIDER: And I'm guessing you  
9 probably weren't always able to be that calming force  
10 and had to call the police at some point?

11 JUROR BLOOMER: I've called the police a  
12 few times, but not -- well, yes, I did call for once  
13 shots fired and once fight.

14 ATTORNEY SCHNEIDER: I want to explore that  
15 shots fired. Do you remember where you were working  
16 at the time?

17 JUROR BLOOMER: Modesto, California.

18 ATTORNEY SCHNEIDER: And what type of  
19 establishment was that at?

20 JUROR BLOOMER: A coffee shop was being  
21 robbed.

22 ATTORNEY SCHNEIDER: And were you providing  
23 some security near that coffee shop or was this just  
24 you as a citizen heard that?

25 JUROR BLOOMER: Yeah. There was a -- there

1           was a -- a grocery store that was being renovated and  
2           so the back of it was open, and around the corner was  
3           a coffee shop and someone robbed it, and then the  
4           girl was on the phone calling and he came out and  
5           told her stop. She ran down the alley, and we -- me  
6           and one other person grabbed her and brought her  
7           inside.

8                    ATTORNEY SCHNEIDER: When did that happen,  
9           Mr. Bloomer, if you know?

10                   JUROR BLOOMER: It was --

11                   ATTORNEY SCHNEIDER: Twenty years ago, 15,  
12           10, more than that?

13                   JUROR BLOOMER: That was '98, a long time.

14                   ATTORNEY SCHNEIDER: And is this a  
15           situation, Mr. Bloomer, based upon how you're  
16           describing it, you can still kind of close your eyes  
17           and remember a lot of what happened; is that correct?

18                   JUROR BLOOMER: Correct.

19                   ATTORNEY SCHNEIDER: Okay. Is that a  
20           situation where you ever saw or encountered the  
21           person who fired the shots or who robbed her?

22                   JUROR BLOOMER: (Shaking head back and  
23           forth.)

24                   ATTORNEY SCHNEIDER: No. We just have to  
25           say yes or no for the court reporter.

1 JUROR BLOOMER: No.

2 ATTORNEY SCHNEIDER: She's pretty good at  
3 picking it up but in case she missed it. All right.  
4 And then you said you also called for just random  
5 fights at times?

6 JUROR BLOOMER: Backup. Somebody -- I was  
7 threatened so -- they threatened me then so I called  
8 the police. And they were always real good about  
9 it.

10 ATTORNEY SCHNEIDER: How -- and again, I  
11 don't mean to pry, how were you threatened?

12 JUROR BLOOMER: Once again, back at that  
13 same place, the whole back of the grocery store was  
14 wide open pretty much, except for (unintelligible).  
15 There was people that came in and said that I  
16 shouldn't do this or shouldn't do that, and so I'm  
17 not going to listen to that, and so then there was a  
18 -- an officer that was coming by and I got a hold of  
19 him and he said he would swing by more often. They  
20 never came back.

21 ATTORNEY SCHNEIDER: Is it a situation, Mr.  
22 Bloomer, where you were ever threatened with an item  
23 at all? When I say item, because it could be a  
24 pruner now, but I mean a gun, a pipe, anything where  
25 you were threatened or was it more just verbal?

1 JUROR BLOOMER: I think it's always pretty  
2 much verbal.

3 ATTORNEY SCHNEIDER: Verbal. Thank you,  
4 Mr. Bloomer.

5 JUROR BLOOMER: You're welcome.

6 ATTORNEY SCHNEIDER: Anyone else then I  
7 have been asking the question about working in  
8 security or in that role?

9 Okay. Mr. Nichols.

10 JUROR NICHOLS: Like I said I was a  
11 bouncer/doorman at the bar.

12 ATTORNEY SCHNEIDER: Thank you.

13 Anyone else then in the front row?

14 Okay. Mr. Webster first.

15 JUROR WEBSTER: I used to do cage  
16 fighting.

17 ATTORNEY SCHNEIDER: Cage fighting. And so  
18 would you have to work security at some of those  
19 events?

20 JUROR WEBSTER: Yeah. Usually the other  
21 opponent loses, their friends kind of altercate with  
22 us, the other side of the room.

23 ATTORNEY SCHNEIDER: So like Round 2 of the  
24 fight maybe?

25 JUROR WEBSTER: Yes.



1 ATTORNEY SCHNEIDER: And is that a  
2 situation where you ever had to call the police?

3 JUROR WEBSTER: No. Usually take care of  
4 it ourselves.

5 ATTORNEY SCHNEIDER: Thank you. And then  
6 Mr. -- is it -- we haven't said your last name yet,  
7 buza, Mr. Buza?

8 JUROR BUZA: For a couple weeks when I was  
9 in the Army I had security duty at the Army prison  
10 and I had to be up in the guard tower, that was my MO  
11 and all that good stuff.

12 ATTORNEY SCHNEIDER: Ever have an encounter  
13 where you had to call for other assistance?

14 JUROR BUZA: Not there.

15 ATTORNEY SCHNEIDER: Any other security  
16 jobs or roles you've had?

17 JUROR BUZA: No.

18 ATTORNEY SCHNEIDER: Okay. Thank you, Mr.  
19 Buza.

20 As you can imagine, the -- Mr. Shea?

21 JUROR SHEA: I have a -- a situation that's  
22 not exactly security. I'm an EBD teacher, emotional  
23 behavioral disability, and I have had to restrain  
24 students and I have had to call the police.

25 ATTORNEY SCHNEIDER: Okay. No. Thank you.

1 That's all informative for us to know.

2 Is that something, Mr. Shea, because of that  
3 experience and uniqueness of that, kind of not only  
4 are you teaching and trying to engage the students  
5 but you're always kind of probably scanning to see if  
6 something is building up, would that be correct if I  
7 said that?

8 JUROR SHEA: That would be very correct.

9 ATTORNEY SCHNEIDER: I was starting to say  
10 that the offense happened Saturday night at Luna,  
11 people were out drinking. Is there anyone on the  
12 panel, for personal reasons, sometimes it's medical  
13 reasons, at times it might be your age, does not  
14 consume alcohol at this time?

15 I expected Mr. Green to raise his hand, and  
16 that's because of your age?

17 JUROR GREEN: Yes.

18 ATTORNEY SCHNEIDER: And then was it Miss  
19 Steffen? Okay.

20 JUROR STEFFEN: You're asking if you don't?

21 ATTORNEY SCHNEIDER: Do not drink alcohol.  
22 And is that a personal choice?

23 JUROR STEFFEN: Not really, more medical.

24 ATTORNEY SCHNEIDER: Okay. Is it something  
25 where it developed that at one point in your life you

1           could drink but just now you can't?

2                   JUROR STEFFEN: Right.

3                   ATTORNEY SCHNEIDER: Okay. So maybe this  
4 is a good time for us to take Mr. Fleming back for a  
5 question, and then we can let --

6                   THE COURT: I think that is a good idea.

7                   (Proceedings held outside the presence of  
8 the jury panel.)

9                   (Mr. Fleming enters.)

10                  THE COURT: Mr. Fleming, you had -- if I  
11 understood correctly, there was a question asked by  
12 Attorney Schneider about your comfort level in making  
13 a decision in this case or being required to stand in  
14 judgment. Could you expand on that for us?

15                  JUROR FLEMING: Yeah. I -- I guess I have  
16 a son very near that age that experienced a very  
17 traumatic time in his life a couple years ago, and I  
18 guess as far as when it comes right down to the  
19 verdict, I might have trouble making a decision.

20                  THE COURT: Okay. And is it something as  
21 it relates to your son that you feel comfortable  
22 sharing with us?

23                  JUROR FLEMING: Our son is doing really  
24 well now.

25                  THE COURT: Okay.

1 JUROR FLEMING: He didn't go to jail, not  
2 that he didn't do anything illegal to go to jail,  
3 let's put it that way, but I guess my thing is he was  
4 given a lot of support and a lot of help and now he's  
5 in a real good direction.

6 THE COURT: Okay. And -- would I be  
7 correct, and I certainly don't mean to jump to  
8 conclusions, but was it mental health issues --  
9 related issues, is that --

10 JUROR FLEMING: Yes, mental health, and  
11 there was drug and alcohol involved, but he's very --  
12 he's on a great path now and I think it was the  
13 support back then.

14 THE COURT: Sure. And let me ask this.  
15 Your -- your job, if you were selected, would be to  
16 render a verdict as to guilty or not guilty. That  
17 would be the extent of your job. In terms of -- in  
18 terms of what any sort of sentence would be as a  
19 byproduct of that verdict, if we were to get to that  
20 point, that is my responsibility. That is not --  
21 that is not something or a burden that we place upon  
22 you. And I would -- I would use the criterion that  
23 I'm to use to determine what is -- what if any result  
24 is appropriate. And so with that understanding,  
25 understanding that your job is not to determine what

1 if any punishment is appropriate, your job would  
2 simply be again to listen to the evidence and listen  
3 to my instructions on how to weigh that evidence,  
4 make a determination as to, again, whether or not a  
5 verdict of guilty or not guilty is appropriate. And  
6 with that understanding, do you feel that you would  
7 be able to sit in that position and listen to the  
8 evidence and make a -- or be a vote, you wouldn't  
9 make that decision solely, but make a vote towards a  
10 verdict in this case?

11 JUROR FLEMING: That's what I'm questioning  
12 myself.

13 THE COURT: Okay. Attorney Schneider, do  
14 you have any questions?

15 ATTORNEY SCHNEIDER: And, Mr. Fleming,  
16 again, what I said at the beginning, we don't mean to  
17 pry but we do appreciate you being very open about  
18 this. Is this something -- I can kind of tell, based  
19 on your reaction, it's something that you put a lot  
20 of time and effort into addressing in your own life  
21 and your son's life, correct?

22 JUROR FLEMING: Yes.

23 ATTORNEY SCHNEIDER: That's a yes. And  
24 it's something do you think that you would be  
25 thinking about some of those things during the course

1 of this trial?

2 JUROR FLEMING: Possibly, you know, that's,  
3 I guess, kind of that's why I'm bringing this up  
4 now.

5 ATTORNEY SCHNEIDER: So we have used this  
6 question in a variety of ways to try to get a good  
7 assessment, and I'll use your son as an example  
8 because you might understand. Let's assume your son  
9 was on trial and he was the person charged with a  
10 crime. If there was someone like you that holds this  
11 feeling about working with your son and getting  
12 through issues that was on the jury, would you want  
13 that person to be on the jury or do you think they  
14 would have hesitation, if your son was the one that,  
15 you know, they're deliberating on your son's case?

16 JUROR FLEMING: I'm sorry. I did not  
17 understand your question.

18 ATTORNEY SCHNEIDER: Okay. You have this  
19 feeling that you spent a lot of time addressing your  
20 son's issues, okay, and that's giving you pause,  
21 right? So we're trying to ask you in a roundabout  
22 way, I'm not going to make it your son, make it a  
23 different family member, a loved one, okay, and there  
24 was a juror on that panel who had the same kind of  
25 beliefs you have, where they've helped and supported

1           their son and kind of struggled maybe with the  
2           criminal justice system as a whole. Would you want  
3           that person to sit on the jury for your loved one or  
4           do you think that person might have hesitation about  
5           doing it where they shouldn't serve?

6                   JUROR FLEMING: In a case like that, yes  
7           yeah, I would, but I guess my point is I'm kind of  
8           struggling in my mind about the whole -- the whole  
9           process I guess. I mean that's what it is.

10                   ATTORNEY SCHNEIDER: And that's okay. Some  
11          people, you can't explain it. It's a very  
12          significant, serious thing we ask. And so you're  
13          just telling us you have some gut reaction to having  
14          to potentially sit in that room and render a  
15          verdict.

16                   JUROR FLEMING: Possibly. You know, I'm  
17          not afraid to, you know, hear things, and it's not  
18          like I'm going to have flashbacks or anything like  
19          that, that's not what I'm going through, but I guess  
20          my thing is just -- I'm thinking, boy, I'm glad it's  
21          not my son.

22                   ATTORNEY SCHNEIDER: Okay. All right. I  
23          don't have any other questions right now, Judge.

24                   THE COURT: Attorney Vishny, any questions?

25                   ATTORNEY VISHNY: Yeah. I have a few

1 questions.

2 All right. I know that you've been through this  
3 really traumatic period with your child, but, you  
4 know, my question is this, what's going on in this  
5 case really has nothing to do with that, obviously we  
6 all know that, so are you able to judge what's  
7 happening in this case, and your decision is did the  
8 prosecutor prove beyond a reasonable doubt that Mr.  
9 Lee committed the crimes he's been accused of. So  
10 that's -- that's the function of a jury. Do you  
11 think that you can be fair in making that decision?

12 JUROR FLEMING: I think so.

13 ATTORNEY VISHNY: Based upon the facts of  
14 the case. And you could be fair to both sides  
15 whether your verdict has to be either guilty beyond a  
16 reasonable doubt or not guilty beyond a reasonable  
17 doubt, either side you could be fair?

18 JUROR FLEMING: Yes, I guess -- I mean,  
19 beyond a reasonable doubt, excuse me, a reasonable  
20 doubt.

21 ATTORNEY VISHNY: That's the legal  
22 standard. The judge -- I'm not going to go through  
23 jury instructions, the judge does that.

24 JUROR FLEMING: Yeah.

25 ATTORNEY VISHNY: Okay. All right.



1           Nothing further.

2                   THE COURT:   Okay.

3                   ATTORNEY SCHNEIDER:   Is there --

4                   THE COURT:   So --

5                   ATTORNEY SCHNEIDER:   You're hesitating.  Is  
6           there more?

7                   JUROR FLEMING:   No.  I mean, I'm just -- I  
8           definitely wanted to bring that up.  I'm not saying I  
9           don't want to necessarily do my duty or the  
10          process.

11                  THE COURT:   No.  And we don't --

12                  JUROR FLEMING:   I just wanted to bring it  
13          up that there might be -- I just, you know, I don't  
14          want my mind to be straying from what I'm hearing in  
15          the courtroom either.

16                  THE COURT:   And we -- and there is, just so  
17          that you're aware, there is no right or wrong answer  
18          here, and we would rather have too much information  
19          and have you come forward and say these are my  
20          concerns than have you sitting in the jury box and  
21          wondering and dwelling and then thinking about it  
22          more, and so it is greatly appreciated that you've  
23          taken this time to -- to let us know these things.

24                  JUROR FLEMING:   Thanks.

25                  THE COURT:   All right.  Thank you, sir.

1 JUROR FLEMING: Thank you.

2 THE COURT: I don't know that --

3 ATTORNEY VISHNY: I don't see any reason to  
4 strike him.

5 ATTORNEY SCHNEIDER: At this point. You  
6 know, if he has more concerns I think he'll raise  
7 them with us.

8 ATTORNEY VISHNY: I do too.

9 THE COURT: That's exactly what I'm  
10 feeling.

11 ATTORNEY VISHNY: Right.

12 (Ms. Giesen enters.)

13 THE COURT: Okay. And, Miss Giesen, I  
14 understand that there were a couple questions.

15 JUROR GIESEN: The first two.

16 THE COURT: Okay. And so what would you  
17 like to share with us?

18 JUROR GIESEN: Could you run by me again so  
19 I can --

20 ATTORNEY SCHNEIDER: Was it the first two  
21 that the judge asked you?

22 JUROR GIESEN: You.

23 ATTORNEY SCHNEIDER: That I asked.

24 JUROR GIESEN: Yup.

25 ATTORNEY SCHNEIDER: First two. Okay. Do

1 I have my note? I asked about anything this week in  
2 your personal life, in your work life that might  
3 distract you.

4 JUROR GIESEN: No. No. It wasn't that  
5 one.

6 ATTORNEY SCHNEIDER: I told you to go ahead  
7 and interrupt me if you needed to. I asked about any  
8 medications.

9 JUROR GIESEN: No.

10 ATTORNEY SCHNEIDER: Okay. Prior jury  
11 experience.

12 JUROR GIESEN: No. I did that one. I  
13 think it was after that.

14 ATTORNEY SCHNEIDER: Okay. I talked about  
15 police officers, if you have been employed in that  
16 capacity.

17 JUROR GIESEN: No.

18 ATTORNEY SCHNEIDER: Family or friend.

19 JUROR GIESEN: No.

20 ATTORNEY SCHNEIDER: I talked then about a  
21 homicide case and this being very significant and if  
22 anyone has pause or for reasons think that --

23 JUROR GIESEN: I think that -- that one and  
24 the one right after that.

25 ATTORNEY SCHNEIDER: Okay. Then I asked --

1 started asking about Luna Lounge.

2 JUROR GIESEN: No.

3 ATTORNEY SCHNEIDER: I talked about we  
4 might see -- we're going to try to limit any graphic  
5 images.

6 JUROR GIESEN: Yeah.

7 ATTORNEY SCHNEIDER: I talked about --

8 JUROR GIESEN: I think it was the  
9 combination of both of those together.

10 ATTORNEY SCHNEIDER: Okay.

11 JUROR GIESEN: And I'm kind of nervous  
12 about it, and I want to make the right decision when  
13 I hear everything, and I don't want to make the wrong  
14 decisions, you know --

15 THE COURT: Sure.

16 JUROR GIESEN: So I'm kind of concerned  
17 about it.

18 THE COURT: Let me ask -- and I think that  
19 those are very -- those are very real concerns, and I  
20 think -- I appreciate you bringing them forward.

21 Now, at the end of the trial I'm going to give  
22 you instructions on, by way of example, what the  
23 burden of proof is, and that's beyond a reasonable  
24 doubt. That's a very high burden. I'll give you  
25 instructions on what -- how you consider evidence and

1           what different things mean or what you're to consider  
2           and how you're to deliberate, and I will give you all  
3           these instructions on how, and your -- so you will  
4           have very, very clear instructions on how you -- how  
5           you look at this. And your job will then be to take  
6           the evidence that you've heard --

7                     JUROR GIESEN:  Yup.

8                     THE COURT:  -- and to look at it against  
9           those instructions, and your job would be to  
10          determine whether or not it is appropriate to render  
11          a finding of guilty or not guilty. And with that  
12          understanding, does that -- does that give you a  
13          little more sense of peace, does it -- does it still  
14          cause you concern?

15                    JUROR GIESEN:  Yes, it still does.

16                    THE COURT:  And do you think -- and  
17          certainly it is probably very normal that you would  
18          feel --

19                    JUROR GIESEN:  Nervous.

20                    THE COURT:  -- a sense of nervousness and a  
21          sense of responsibility. It is a big deal.

22                    JUROR GIESEN:  Because this is just a big  
23          responsibility.

24                    THE COURT:  Sure. And let me ask you this.  
25          If you heard the evidence and all of the evidence led

1           you to conclude that it was appropriate to render a  
2           finding of not guilty, do you think you could do  
3           that?

4                   JUROR GIESEN:   (Nodding.)

5                   THE COURT:   Yes?

6                   JUROR GIESEN:   Yes.

7                   THE COURT:   Okay.  And if you heard all of  
8           the evidence and all of the evidence led you to  
9           conclude that a verdict of guilty was appropriate, do  
10          you think you could do that?

11                  JUROR GIESEN:   Yes.

12                  THE COURT:   Okay.  And that is all we ask  
13          of you.

14                  JUROR GIESEN:   Then why do I feel so  
15          worried and concerned and nerved up right now?

16                  THE COURT:   I think it is because you care  
17          and you want to make the right decision.

18                  JUROR GIESEN:   Yeah.

19                  THE COURT:   And the -- the good news is  
20          that we have very good attorneys and they're going  
21          to -- through witnesses and questioning, they're  
22          going to put a lot of evidence out there so that  
23          you're not just guessing.  We don't want you to  
24          guess.  That's not --

25                  JUROR GIESEN:   I don't want to either.

1                   THE COURT: No. And so your job is to look  
2                   at the evidence, and the burden of proof is on the  
3                   State, so the State has to prove their case, and so  
4                   all -- all we ask of you is that you listen to the  
5                   evidence, and that after you hear the evidence, if  
6                   you -- if you feel that the State has met their  
7                   burden, then you render a decision that way. And if  
8                   you don't feel that the State has met their burden,  
9                   then you issue a decision the other way. Does that  
10                  make sense?

11                 JUROR GIESEN: Yes.

12                 THE COURT: And is that something that you  
13                 feel you are able to do?

14                 JUROR GIESEN: Yes. And I think that's why  
15                 I want to talk about it now before we get going  
16                 instead of having me doubt later.

17                 THE COURT: That's okay. And I'm happy to  
18                 know that you care.

19                 Miss Schneider, any questions?

20                 ATTORNEY SCHNEIDER: Miss -- it's Giesen,  
21                 right?

22                 JUROR GIESEN: Yes.

23                 ATTORNEY SCHNEIDER: Miss Giesen, is it  
24                 something where you have concerns because you don't  
25                 think you should judge other people?

1 JUROR GIESEN: No.

2 ATTORNEY SCHNEIDER: Okay.

3 JUROR GIESEN: I think I want to make the  
4 right decision and I don't want to make the wrong  
5 one, and I'm scared, afraid of doing that.

6 ATTORNEY SCHNEIDER: Okay. But you take  
7 your role very seriously, correct?

8 JUROR GIESEN: Yes.

9 ATTORNEY SCHNEIDER: I don't have any other  
10 questions.

11 ATTORNEY VISHNY: I don't have any  
12 questions.

13 THE COURT: Okay. And, Miss Giesen, I  
14 don't have any additional questions. Thank you very  
15 much.

16 JUROR GIESEN: Okay. I don't want to waste  
17 anybody's time, and that's why I have these doubts  
18 and questions.

19 THE COURT: It is not a waste of time at  
20 all.

21 JUROR GIESEN: Okay.

22 THE COURT: So don't worry.

23 JUROR GIESEN: All right. Thank you.

24 (Miss Giesen exits.)

25 (In open court).



1 THE COURT: Okay. And, Attorney Schneider,  
2 I believe you still had some additional questions and  
3 so please continue whenever you're ready.

4 ATTORNEY SCHNEIDER: Okay.

5 I was in the middle of asking Miss Steffen, I  
6 think, and you said it was a situation where at one  
7 point in your life you were able to drink alcohol but  
8 now something has just happened where you do not  
9 drink anymore.

10 JUROR STEFFEN: Call it age.

11 ATTORNEY SCHNEIDER: Okay. And then I  
12 thought someone else had raised their hand. Mr.  
13 Green did. I remember that. Mr. Fleming, did you  
14 raise your hand?

15 JUROR FLEMING: Yup.

16 ATTORNEY SCHNEIDER: So has it been a  
17 personal choice for you not to consume alcohol?

18 JUROR FLEMING: Yes. It was a personal  
19 choice. I did up until better than a  
20 year-and-a-half -- less than a year-and-a-half ago.

21 ATTORNEY SCHNEIDER: Okay. Thank you, Mr.  
22 Fleming.

23 And, Mr. Green, you're 19 or 20?

24 JUROR GREEN: I'm 18.

25 ATTORNEY SCHNEIDER: Even younger yet.

1                   And then in the front row it was Miss Elbe?

2                   JUROR ELBE:   Um-hum.

3                   ATTORNEY SCHNEIDER:   Was that a medical  
4           reason, personal choice?

5                   JUROR ELBE:   No.   Personal choice.

6                   ATTORNEY SCHNEIDER:   Have you ever consumed  
7           alcohol?

8                   JUROR ELBE:   Oh, many, many years ago, and  
9           then you learned your lesson.   That's the truth.

10                  ATTORNEY SCHNEIDER:   You did say you wanted  
11           honest answers.

12                  THE COURT:   That is true.

13                  ATTORNEY SCHNEIDER:   And then Miss Naumann?

14                  JUROR NAUMANN:   Yes.

15                  ATTORNEY SCHNEIDER:   Has it been a personal  
16           choice?

17                  JUROR NAUMANN:   Personal choice.

18                  ATTORNEY SCHNEIDER:   Did you ever consume  
19           alcohol?

20                  JUROR NAUMANN:   Yeah.   It's been 15 years  
21           or so.

22                  ATTORNEY SCHNEIDER:   And did I miss anyone  
23           else on the panel?

24                  (No response.)

25                  ATTORNEY SCHNEIDER:   Okay.   Thank you.

1           Because of TV and news media and various social  
2           media, I need to ask some questions of you. There  
3           was recently a series on Netflix called *Making of a*  
4           *Murderer*. Is there anyone on the panel familiar with  
5           that series?

6           Okay. I'm going to start in the back row, and  
7           then I'll start -- I'll walk through the back row and  
8           then I'll come up to the front row.

9           Mr. Nieman.

10           JUROR NIEMAN: Yes.

11           ATTORNEY SCHNEIDER: And is it something  
12           that you watched the series?

13           JUROR NIEMAN: Seen a couple episodes.

14           ATTORNEY SCHNEIDER: You didn't DVR it?

15           JUROR NIEMAN: No.

16           ATTORNEY SCHNEIDER: Is it something that  
17           you talked about with family or friends?

18           JUROR NIEMAN: Friends.

19           ATTORNEY SCHNEIDER: But something, it  
20           seems to me, that you haven't been so concerned to  
21           make sure you've seen every episode.

22           JUROR NIEMAN: No.

23           ATTORNEY SCHNEIDER: Do you think you got a  
24           fair presentation of both sides of the story when you  
25           watched it?

1 JUROR NIEMAN: From what I saw, yeah.

2 ATTORNEY SCHNEIDER: Did you ever hear or  
3 watch any item or any news items related to the  
4 Halbach family? That was the victim in that case.

5 JUROR NIEMAN: No, just whatever I saw in  
6 the first couple episodes.

7 ATTORNEY SCHNEIDER: Just what you saw on  
8 Net --

9 JUROR NIEMANN: Nothing on the news, no.

10 ATTORNEY SCHNEIDER: Do you feel that  
11 media, or in a series such as that, they can put in  
12 what they want and leave out what they want, it's  
13 entertainment?

14 JUROR NIEMANN: I believe it, yeah.

15 ATTORNEY SCHNEIDER: All right.

16 Then is it Miss Hermus?

17 JUROR HERMUS: Yes.

18 ATTORNEY SCHNEIDER: So --

19 JUROR HERMUS: I have heard of it, I've  
20 seen TV about it, but I have not watched any of it.

21 ATTORNEY SCHNEIDER: Okay. So you probably  
22 also haven't seen any accounts or anything from the  
23 Halbach family?

24 JUROR HERMUS: No.

25 ATTORNEY SCHNEIDER: Miss Dey, did you

1 raise your hand?

2 JUROR DEY: Yes. It's Dey.

3 ATTORNEY SCHNEIDER: Dey. I'm sorry. We  
4 haven't called on you yet. Have you watched the  
5 entire series, a portion of it?

6 JUROR DEY: All of it.

7 ATTORNEY SCHNEIDER: Talk to family or  
8 friends about it?

9 JUROR DEY: Yeah.

10 ATTORNEY SCHNEIDER: Do you think you were  
11 presented with both sides of the story in that  
12 series?

13 JUROR DEY: Yeah.

14 ATTORNEY SCHNEIDER: Have you ever watched  
15 any of the details or accounts or watched anything  
16 from the Halbach family?

17 JUROR DEY: Just what was on there.

18 ATTORNEY SCHNEIDER: Just what was on the  
19 series?

20 JUROR DEY: (Nodding.)

21 ATTORNEY SCHNEIDER: Do you feel that the  
22 media always gets it right when they report on a  
23 story?

24 JUROR DEY: No.

25 ATTORNEY SCHNEIDER: Thank you, Miss Dey.

1 JUROR DEY: Dey.

2 ATTORNEY SCHNEIDER: Dey. I'm going to  
3 rewrite it. I'm going to spell your name D-I-E on my  
4 sheet so I say it right.

5 And then in the back row continuing on. Mr. Van  
6 Deurzen, you've seen all of it, some of it?

7 JUROR VAN DEURZEN: Some of it.

8 ATTORNEY SCHNEIDER: Is it something you  
9 taped or you just happened -- it was on and you  
10 watched it?

11 JUROR VAN DEURZEN: It was on and I watched  
12 it.

13 ATTORNEY SCHNEIDER: Something you haven't  
14 cared to try to go back and watch the portions you  
15 haven't yet seen?

16 JUROR VAN DEURZEN: No.

17 ATTORNEY SCHNEIDER: Did you ever hear or  
18 see any of the information that the Halbach family  
19 put out?

20 JUROR VAN DEURZEN: Yes.

21 ATTORNEY SCHNEIDER: Would you agree with  
22 me that at times media can put out one side of a  
23 story but they might not present all of the facts?

24 JUROR VAN DEURZEN: Yes.

25 ATTORNEY SCHNEIDER: Thank you.

1                   Mr. Schueller, did you raise your hand?

2                   JUROR SCHUELLER: No.

3                   THE COURT: Mr. Calmes -- Mr. Parker then?

4                   JUROR PARKER: Yes.

5                   ATTORNEY SCHNEIDER: Sorry. I was getting  
6 you mixed up. Have you seen all of it, some of it?

7                   JUROR PARKER: I haven't seen any of it,  
8 just from what I seen on the news.

9                   ATTORNEY SCHNEIDER: So you just heard  
10 other stories about it?

11                  JUROR PARKER: Yes.

12                  ATTORNEY SCHNEIDER: In that have you heard  
13 other stories or comments from the Halbach family at  
14 all?

15                  JUROR PARKER: No, I haven't.

16                  ATTORNEY SCHNEIDER: Thank you.

17                  Then I'm going to continue. Mr. Fleming's row,  
18 anyone else in that row have seen the series at all  
19 or familiar with it? Mr. Maas?

20                  JUROR MAAS: I've been put through the  
21 whole thing, yes.

22                  ATTORNEY SCHNEIDER: Okay. Saying it that  
23 way, is it something someone in else in your life  
24 wanted to watch and you were in the living room when  
25 it was on?

1 JUROR MAAS: Yes.

2 ATTORNEY SCHNEIDER: We won't tell her you  
3 said that. Is it something where you've ever seen  
4 any of the items that the Halbach family put out  
5 about the series?

6 JUROR MAAS: Not really, no.

7 ATTORNEY SCHNEIDER: Okay. Do you think  
8 that the media at times can present only one side of  
9 a story and not both sides?

10 JUROR MAAS: I guess, yes.

11 ATTORNEY SCHNEIDER: Thank you, Mr. Maas.  
12 And then Mr. Van Dalen?

13 JUROR VAN DALEN: Yup.

14 ATTORNEY SCHNEIDER: Okay. All of it, some  
15 of it?

16 JUROR VAN DALEN: I chose not to watch it  
17 because I was friends with Theresa Halbach. She was  
18 a photographer at my wedding. I went to her wake.  
19 And so I discussed it a lot with my friends and  
20 family but I chose not to watch it.

21 ATTORNEY SCHNEIDER: Okay. And you're  
22 getting to a topic, Mr. Van Dalen, that I have not  
23 yet started to talk about. Okay?

24 So one of the things when I started talking to  
25 you all is that one of the reasons why we ask these



1 questions is we want to know about what life  
2 experiences you have and how that may impact us.

3 And, Mr. Van Dalen, are you familiar with, know  
4 her siblings then too?

5 JUROR VAN DALEN: Yeah.

6 ATTORNEY SCHNEIDER: Obviously in this case  
7 it is a homicide. Mr. Richards is no longer with us.  
8 Do you think having the experience where you knew  
9 Teresa and what that loss has caused for you, would  
10 that cause you any concerns in serving as a juror?

11 JUROR VAN DALEN: It would be hard but I  
12 think I could still do it.

13 ATTORNEY SCHNEIDER: And I'm going to play  
14 on something. It's going to be hard for anyone,  
15 okay, to serve as a juror. Okay? But you said you  
16 think you can. Do you think you can be fair and  
17 impartial and listen to the evidence and testimony in  
18 this case and decide it solely upon what you hear in  
19 the courtroom?

20 JUROR VAN DALEN: I think I can, yes.

21 ATTORNEY SCHNEIDER: Okay. Thank you, Mr.  
22 Van Dalen.

23 Mr. -- is it Eggers?

24 JUROR EGGERS: Eggers.

25 ATTORNEY SCHNEIDER: Did you raise your

1 hand at all?

2 JUROR EGGERS: No, ma'am.

3 ATTORNEY SCHNEIDER: No. You've just been  
4 sitting there. No movement.

5 And then Mr. Shea's row.

6 I'm sorry, Mr. Wells, I missed you.

7 JUROR WELLS: Yup.

8 ATTORNEY SCHNEIDER: Okay. Watched some of  
9 it, part of it?

10 JUROR WELLS: All of it.

11 ATTORNEY SCHNEIDER: Was it something you  
12 taped?

13 JUROR WELLS: No, I just saw Netflix.

14 ATTORNEY SCHNEIDER: Something you talked  
15 about with friends?

16 JUROR WELLS: Yup.

17 ATTORNEY SCHNEIDER: Have you ever watched  
18 any of the Halbach's comments or accounts?

19 JUROR WELLS: Just what was on there.

20 ATTORNEY SCHNEIDER: Just what was in the  
21 series?

22 JUROR WELLS: Yup.

23 ATTORNEY SCHNEIDER: Do you agree that  
24 sometimes the media may only present what they know?

25 JUROR WELLS: Yeah.

1 ATTORNEY SCHNEIDER: Or one side of things?

2 JUROR WELLS: Yes.

3 ATTORNEY SCHNEIDER: And now I'm going to  
4 move to the third row. Anyone there have watched the  
5 series?

6 Okay. Mr. Shea.

7 JUROR SHEA: I didn't watch it. Before you  
8 asked were we aware of it, familiar with it. I'm  
9 aware of it, familiar with it, I didn't watch it.

10 ATTORNEY SCHNEIDER: You didn't watch it at  
11 all? Not sitting in the living room like Mr. Maas  
12 when it was on?

13 JUROR WELLS: No.

14 ATTORNEY SCHNEIDER: And then Miss  
15 Erickson?

16 JUROR ERICKSON: Didn't watch it.

17 ATTORNEY SCHNEIDER: Just familiar with it,  
18 hearing it?

19 JUROR ERICKSON: Yes.

20 ATTORNEY SCHNEIDER: Is it a situation,  
21 Miss Erickson, based upon your response that you  
22 could have and you just chose not to?

23 JUROR ERICKSON: Correct.

24 ATTORNEY SCHNEIDER: Thank you.

25 Then Miss Lee?

1 JUROR LEE: I'm familiar with it. I chose  
2 not to watch it. My babysitter, her father-in-law is  
3 the District Attorney on that case.

4 ATTORNEY SCHNEIDER: Okay.

5 JUROR LEE: My heart just goes out to the  
6 Halbach family so I just refuse to watch it.

7 ATTORNEY SCHNEIDER: Okay. Thank you, Miss  
8 Lee.

9 Anyone else then in that row? Mr. Green?

10 JUROR GREEN: I watched a few episodes of  
11 it.

12 ATTORNEY SCHNEIDER: Okay. Did you ever  
13 see any of the accounts that the Halbach family --

14 JUROR GREEN: Just what was on the few  
15 shows I watched.

16 ATTORNEY SCHNEIDER: Okay. Probably,  
17 though, I'm guessing in your age group was something  
18 that was talked about with friends?

19 JUROR GREEN: Yes.

20 ATTORNEY SCHNEIDER: Do you or would you  
21 agree that at times media may present what they know  
22 but that may not be all the facts in the case?

23 JUROR GREEN: Yes.

24 ATTORNEY SCHNEIDER: Thank you, Mr. Green.  
25 Anyone else then in that row?

1                   Okay. And I will move. Miss Micke - some of  
2                   you are hiding - have you seen some of it, part of  
3                   it?

4                   JUROR MICKE: Just part of it.

5                   ATTORNEY SCHNEIDER: Was it something that  
6                   you chose not to watch the rest?

7                   JUROR MICKE: I just -- well I never got  
8                   around to watching the rest. I plan on watching the  
9                   rest.

10                  ATTORNEY SCHNEIDER: Did you ever see any  
11                  of the accounts from the Halbach family on it?

12                  JUROR MICKE: No.

13                  ATTORNEY SCHNEIDER: And would you agree  
14                  that at times the media may report what they know but  
15                  that may not be the full story?

16                  JUROR MICKE: Yes.

17                  ATTORNEY SCHNEIDER: Okay. Thank you.

18                  Mr. Nichols at all?

19                  JUROR NICHOLS: No. I have no account of  
20                  it.

21                  ATTORNEY SCHNEIDER: Then in the front row  
22                  finally. I'll get to you Miss Plamann one second.  
23                  So Miss Vandenberg.

24                  JUROR VANDENBERG: Yes.

25                  ATTORNEY SCHNEIDER: Have you seen all of

1           it, some of it?

2                   JUROR VANDENBERG:   Some of it.

3                   ATTORNEY SCHNEIDER:   And have you just  
4           chosen not to watch anymore or just haven't gotten  
5           around to it?

6                   JUROR VANDENBERG:   Didn't -- wasn't very  
7           significant.

8                   ATTORNEY SCHNEIDER:   Okay.   Did you ever  
9           see any of the accounts from the Halbach family?

10                  JUROR VANDENBERG:   No.   And I was pretty  
11          young when it happened so --

12                  ATTORNEY SCHNEIDER:   Have you -- would you  
13          agree that sometimes media reports what they know but  
14          that may not be all the facts behind this?

15                  JUROR VANDENBERG:   Yes.

16                  ATTORNEY SCHNEIDER:   Mr. Webster, did you  
17          watch it?

18                  JUROR WEBSTER:   No.

19                  ATTORNEY SCHNEIDER:   Okay.   Anyone else  
20          then in the front row?   Thank you.   Miss Plamann.  
21          I'm sorry.

22                  JUROR PLAMANN:   No, it's okay.   I've heard  
23          of it.   Chose not to watch it.

24                  ATTORNEY SCHNEIDER:   Thank you.

25                  This likely may be a situation where, and this

1 is typical in any case that lasts longer than one  
2 day, the judge kind of gives you the instructions  
3 that for the time period and the length of the jury  
4 you're not to really talk to your family about what  
5 specifically is going on. You can tell them you're  
6 in a trial and you have jury duty. He will probably  
7 put some limitations and tell you not to watch the  
8 news, not to read the paper. He'll probably let you  
9 watch ESPN if you want to. But it's a situation  
10 where -- so we can have a jury that comes in and  
11 decides based upon what you hear here in the  
12 courtroom, if you follow those conditions. I once  
13 had a juror who because of their work had to go  
14 through the paper every day and they raised that. Is  
15 there anyone who thinks you could not forego reading  
16 the paper or watching the news while you serve as a  
17 juror on this case?

18 (No response.)

19 ATTORNEY SCHNEIDER: Okay. Thank you.  
20 And, again, these are questions we don't mean to pry  
21 or get into your personal life, but has anyone on the  
22 panel ever been charged with a crime?

23 (No response.)

24 ATTORNEY SCHNEIDER: Anyone on the panel  
25 ever have a family member or a close friend that was

1 charged with a crime where you would have talked to  
2 them or learned about what they went through in that  
3 process?

4 Okay. Start in the back. Mr. Van Deurzen.

5 JUROR VAN DEURZEN: Yes.

6 ATTORNEY SCHNEIDER: Who was that?

7 JUROR VAN DEURZEN: My son.

8 ATTORNEY SCHNEIDER: And what -- if I can  
9 ask, and if you prefer in private we can do that,  
10 what type of offense was that.

11 JUROR VAN DEURZEN: Armed robbery.

12 ATTORNEY SCHNEIDER: Was it here?

13 JUROR VAN DEURZEN: No.

14 ATTORNEY SCHNEIDER: Did his case go to  
15 trial?

16 JUROR VAN DEURZEN: Yes.

17 ATTORNEY SCHNEIDER: And did the jury  
18 return a verdict?

19 JUROR VAN DEURZEN: No. It was plea  
20 bargained after it went to trial.

21 ATTORNEY SCHNEIDER: Okay. Is it a  
22 situation, Mr. Van Deurzen, at the time when that was  
23 going on, was your son living close to you?

24 JUROR VAN DEURZEN: Fond du Lac.

25 ATTORNEY SCHNEIDER: Fond du Lac. Having



1           that life experience and going through that component  
2           of the criminal justice system, do you think you  
3           would be able to, I don't want to say put that aside,  
4           but for intents and purposes be fair and impartial  
5           when you listen and weigh evidence and decide this  
6           case?

7                       JUROR VAN DEURZEN: I guess.

8                       ATTORNEY SCHNEIDER: Thank you.

9                       Anyone else on the panel?

10                      Okay. Miss Micke?

11                      JUROR MICKE: Okay. My brother is actually  
12           in prison right now so, I mean, I don't know if --

13                      ATTORNEY SCHNEIDER: Okay. So you said  
14           your brother, he's actually in prison for it?

15                      JUROR MICKE: Yes.

16                      ATTORNEY SCHNEIDER: Again, we don't mean  
17           to pry, but what type of offense was he involved in?

18                      JUROR MICKE: Disorderly conduct, I do  
19           believe, or battery. I honestly don't know the --

20                      ATTORNEY SCHNEIDER: So you don't know much  
21           about it?

22                      JUROR MICKE: No.

23                      ATTORNEY SCHNEIDER: When did it happen?

24                      JUROR MICKE: A year or two years ago.

25                      ATTORNEY SCHNEIDER: Was he living near you

1           when it happened?

2                       JUROR MICKE:   He's about 45 minutes away.

3                       ATTORNEY SCHNEIDER:   Okay.   Is it a  
4           situation where you ever talked to him about his case  
5           or what was going on?

6                       JUROR MICKE:   No.

7                       ATTORNEY SCHNEIDER:   Is it a situation,  
8           Miss Micke, having that as a life experience, do you  
9           think you could come in and be fair and impartial and  
10          decide this case upon what you hear in the courtroom?

11                      JUROR MICKE:   Yeah.

12                      ATTORNEY SCHNEIDER:   Thank you so much.

13                      Anyone else?

14                      Okay.   Mr. Keleske?

15                      JUROR KELESKE:   Yes.

16                      ATTORNEY SCHNEIDER:   Who was involved in an  
17          offense?

18                      JUROR KELESKE:   I'd rather talk in private  
19          about that.

20                      ATTORNEY SCHNEIDER:   We can kind of do the  
21          same thing unless you want to take a break now.

22                      THE COURT:   We'll continue for a little bit  
23          and then we'll make sure that we then do that in a  
24          private setting.

25                      ATTORNEY SCHNEIDER:   Just making a note so

1 I remember.

2 Judge has asked a couple questions, and I  
3 brought this out with some of you before, but have  
4 any of you ever had to call 911 for assistance?

5 Okay. We're going to start in the back row.  
6 It's Miss Dey?

7 JUROR DEY: Um-hum.

8 ATTORNEY SCHNEIDER: When was that, ma'am?

9 JUROR DEY: It was at work. I had to call  
10 for somebody that fainted.

11 ATTORNEY SCHNEIDER: Fainted?

12 JUROR DEY: Yes. And then another time  
13 there was a car accident and there was a car rolled  
14 over in the ditch and there was nobody there.

15 ATTORNEY SCHNEIDER: And did police respond  
16 in both situations?

17 JUROR DEY: Um-hum.

18 ATTORNEY SCHNEIDER: Probably the worker  
19 fainting you never had to provide any testimony  
20 about, but the car accident, did you ever have to  
21 provide a statement?

22 JUROR DEY: No.

23 ATTORNEY SCHNEIDER: Okay. Thank you, Miss  
24 Dey.

25 Anyone else then in the back row?

1                   Mr. Schueller?

2                   JUROR SCHUELLER: I did also for a car  
3                   accident.

4                   ATTORNEY SCHNEIDER: Did you witness it or  
5                   come upon it?

6                   JUROR SCHUELLER: I was part of it.

7                   ATTORNEY SCHNEIDER: Okay. And is it a  
8                   situation where you were injured in any way? Was  
9                   anyone else in the other vehicle injured?

10                  JUROR SCHUELLER: No.

11                  ATTORNEY SCHNEIDER: Thank you, Mr.  
12                  Schueller.

13                  Mr. Calmes.

14                  JUROR CALMES: Car accident. Witnessed  
15                  it.

16                  ATTORNEY SCHNEIDER: Witnessed it?

17                  JUROR CALMES: Yup.

18                  ATTORNEY SCHNEIDER: How long ago was that?

19                  JUROR CALMES: 1996.

20                  ATTORNEY SCHNEIDER: Do you still remember  
21                  some of the facts about what you saw?

22                  JUROR CALMES: Yes.

23                  ATTORNEY SCHNEIDER: Thank you.

24                  Mr. Parker, at all?

25                  JUROR PARKER: No.

1 ATTORNEY SCHNEIDER: Okay.

2 Then in the middle row, anyone ever have to call  
3 911? Miss Steffen?

4 JUROR STEFFEN: Once I hit a deer and once  
5 my mother went into diabetic shock and I had to  
6 call.

7 ATTORNEY SCHNEIDER: Both situations, are  
8 they ones that you can still remember pretty vividly  
9 components of it?

10 JUROR STEFFEN: Um-hum.

11 ATTORNEY SCHNEIDER: Did your mom survive  
12 that incident?

13 JUROR STEFFEN: Yes.

14 ATTORNEY SCHNEIDER: Thank you.

15 And then continuing on in that row. Mr. -- go  
16 back over first. Mr. Fleming?

17 JUROR FLEMING: Yes. Couple times when my  
18 dad was going through ailments with his heart and a  
19 couple times where trauma in the family.

20 ATTORNEY SCHNEIDER: Okay. And probably  
21 most of those situations law enforcement was able to  
22 respond and provide assistance?

23 JUROR FLEMING: Yes.

24 ATTORNEY SCHNEIDER: Okay. All right.  
25 Thank you.

1                   Then I'm going to continue down. Mr. Wells, you  
2                   had your hand up?

3                   JUROR WELLS: Yup.

4                   ATTORNEY SCHNEIDER: Okay. What kind of  
5                   situation was that?

6                   JUROR WELLS: I ran into an intoxicated  
7                   driver on the -- on Highway 41. He was all over the  
8                   road and I had to call 911 and then kind of followed  
9                   him until the police took over.

10                  ATTORNEY SCHNEIDER: How long ago was that?

11                  JUROR WELLS: I'd say eight or nine  
12                  years.

13                  ATTORNEY SCHNEIDER: Okay. Any other  
14                  situations where you had to phone 911?

15                  JUROR WELLS: No.

16                  ATTORNEY SCHNEIDER: Okay. Anyone else  
17                  then in that row? Mr. Maas?

18                  JUROR MAAS: Too many times to count.

19                  ATTORNEY SCHNEIDER: Okay. Well you didn't  
20                  say you had a pruner at your bar, but was it because  
21                  of incidents that occurred at the bar?

22                  JUROR MAAS: Bar, and I'm a truck driver  
23                  too, I see --

24                  ATTORNEY VISHNY: I'm sorry?

25                  ATTORNEY SCHNEIDER: He's a truck driver.

1 Right?

2 JUROR MAAS: Yes.

3 ATTORNEY SCHNEIDER: So probably witnessed  
4 a lot of different things on the roadways and you  
5 would call?

6 JUROR MAAS: Um-hum.

7 ATTORNEY SCHNEIDER: Thank you.

8 Then in the next row?

9 Okay. Mr. Shea.

10 JUROR SHEA: My house was struck by  
11 lightning, called 911. High school reunion, guy  
12 collapsed, called 911. That was it.

13 ATTORNEY SCHNEIDER: The situation where a  
14 friend collapsed at the high school reunion,  
15 something you still remember pretty vividly?

16 JUROR SHEA: Sure.

17 ATTORNEY SCHNEIDER: Thank you.

18 Miss Erickson.

19 JUROR ERICKSON: Couple times at work for  
20 work-related injuries from fellow employees, couple  
21 of rowdy customers, and a couple times DUI people,  
22 couple times then basically acts of God stuff like  
23 lightning and stuff like that.

24 ATTORNEY SCHNEIDER: Anyone else then in  
25 that row ever have to call 911?

1                   Okay. I'm going to start with Mr. Bloomer.

2                   JUROR BLOOMER: I called 911 approximately  
3                   about three or four times for heart attacks and other  
4                   injuries work related at work.

5                   ATTORNEY SCHNEIDER: Okay.

6                   JUROR BLOOMER: And the incident I  
7                   discussed earlier, I called for that. And being  
8                   witness to accidents twice.

9                   ATTORNEY SCHNEIDER: Thank you.

10                  And then, Mr. Nichols, did you have your hand  
11                  up?

12                  JUROR NICHOLS: Yeah. I had came across a  
13                  lady that ran through a construction zone where they  
14                  moved all of the road next to a railroad tracks and  
15                  got her car stuck on the railroad tracks.

16                  ATTORNEY SCHNEIDER: Okay.

17                  JUROR NICHOLS: So I waited for the police  
18                  to come and get everything taken care of.

19                  ATTORNEY SCHNEIDER: Okay. Thank you, Mr.  
20                  Nichols.

21                  Anyone then in the front row?

22                  Okay. Miss Elbe.

23                  JUROR ELBE: The question was?

24                  ATTORNEY SCHNEIDER: Have you ever had to  
25                  call 911?



1 JUROR ELBE: I am 911. And yes. Yes.  
2 Neighbors, girlfriends, things like that got cut or  
3 they've had an accident, and of course it's me, and  
4 then I tell them, no, we're going to call and take  
5 them in.

6 ATTORNEY SCHNEIDER: Thank you, Miss Elbe.

7 JUROR ELBE: Um-hum.

8 ATTORNEY SCHNEIDER: Anyone else then.

9 Miss Plamann, did you have your hand raised?

10 JUROR ELBE: Yes. I had to call for I  
11 think two traffic accidents that I witnessed and then  
12 one the neighbor lady had fallen on the ice and we  
13 couldn't get her up.

14 ATTORNEY SCHNEIDER: Okay. Anyone else  
15 that I missed?

16 Okay. Miss Giesen?

17 JUROR GIESEN: Giesen. I had a car  
18 accident. One time we were witness to a car  
19 accident, so we talked to the officer. By the time  
20 we got to the other end of the road who caused  
21 multiple accidents, we talked to him, and from my  
22 illness.

23 ATTORNEY SCHNEIDER: Okay. Thank you, Miss  
24 Giesen.

25 Anyone ever on the panel, might be a situation

1           where you didn't call 911 but where you were a  
2           witness to an incident where you would have talked to  
3           law enforcement about what you saw? Anyone have that  
4           situation?

5           Okay. I'm going to start in the back row with  
6           Mr. Schueller.

7                   JUROR SCHUELLER: I had to testify once for  
8           a work incident where someone had fallen and broke  
9           her ankle.

10                   ATTORNEY SCHNEIDER: And is that a  
11           situation when you spoke to the law enforcement  
12           officers you told them what you could remember and  
13           what you knew?

14                   JUROR SCHUELLER: And then a lawyer after  
15           that.

16                   ATTORNEY SCHNEIDER: Okay. Thank you.  
17           Mr. Calmes?

18                   JUROR CALMES: Two different occasions,  
19           accidents, had to tell the officers both times.

20                   ATTORNEY SCHNEIDER: And told them what you  
21           knew, what you saw?

22                   JUROR CALMES: Yeah.

23                   ATTORNEY SCHNEIDER: Anyone then?

24           Okay. Miss Meyer.

25                   JUROR MEYER: The incident at my duplex we

1 had to call a police officer, we discussed earlier.

2 ATTORNEY SCHNEIDER: Okay. That something,  
3 Miss Meyer, that you can still remember parts of what  
4 occurred that day?

5 JUROR MEYER: Definitely.

6 ATTORNEY SCHNEIDER: Is it something that  
7 during the course of that you were upset when you  
8 were talking to them?

9 JUROR MEYER: Yes, I was upset.

10 ATTORNEY SCHNEIDER: And you still told  
11 them what you could remember?

12 JUROR MEYER: Yes.

13 ATTORNEY SCHNEIDER: As best you could?

14 JUROR MEYER: Yes.

15 ATTORNEY SCHNEIDER: Okay. Thank you.

16 Anyone else then?

17 Okay. Mr. Eggers.

18 JUROR EGGERS: Domestic dispute in front of  
19 my mother's house between a couple.

20 ATTORNEY SCHNEIDER: So you phoned law  
21 enforcement and they spoke to you?

22 JUROR EGGERS: No. Well, I just gave my  
23 statement what I saw.

24 ATTORNEY SCHNEIDER: Okay. Told them what  
25 you saw, what you knew?

1 JUROR EGGERS: Yup.

2 ATTORNEY SCHNEIDER: Did you know the  
3 people that were involved?

4 JUROR EGGERS: Nope.

5 ATTORNEY SCHNEIDER: Anyone then as I  
6 continue up?

7 Okay. We'll start with Mr. Shea.

8 JUROR SHEA: I got subpoenaed to court for  
9 my account of how the traffic accident in front of my  
10 house.

11 ATTORNEY SCHNEIDER: And when you spoke  
12 with law enforcement or went into court, did you tell  
13 them what you could remember?

14 JUROR SHEA: Yes.

15 ATTORNEY SCHNEIDER: Thank you.

16 Miss Erickson, did you have your hand up?

17 JUROR ERICKSON: Yes. Just a couple times  
18 just the police taking my statements, nothing more  
19 than that.

20 ATTORNEY SCHNEIDER: Anyone else then in  
21 the back row?

22 So then, Mr. Webster, did you have your hand up?

23 JUROR WEBSTER: Yup.

24 ATTORNEY SCHNEIDER: What was that  
25 situation?

1 JUROR WEBSTER: A fight.

2 ATTORNEY SCHNEIDER: A fight?

3 JUROR WEBSTER: Yeah. Back in the alley of  
4 Route 66, and it's something where law enforcement  
5 came and took a statement. We gave our statement but  
6 it never went -- it just went away.

7 ATTORNEY SCHNEIDER: Is it something that  
8 when you talked to them you told them what you could  
9 remember?

10 JUROR WEBSTER: I told them what I saw.

11 ATTORNEY SCHNEIDER: Okay.

12 JUROR WEBSTER: But it didn't go any  
13 further to court.

14 ATTORNEY SCHNEIDER: Okay.

15 Miss Elbe then?

16 JUROR ELBE: Yes. Just beside medically,  
17 outside of that, yes, had to stop and give some  
18 information to the policeman in regard to people that  
19 are either drinking and driving or things like that  
20 that was available to give them information.

21 ATTORNEY SCHNEIDER: Okay. Perfect. Thank  
22 you.

23 Anyone else I missed on that question?

24 I'm sorry. Miss Vandenberg?

25 JUROR VANDENBERG: My friend tried to

1 overdose so I had to fill out an incident report.

2 ATTORNEY SCHNEIDER: Is this something  
3 where you -- male or female friend?

4 JUROR VANDENBERG: Female.

5 ATTORNEY SCHNEIDER: Is it something where  
6 you found her after?

7 JUROR VANDENBERG: No. She told me right  
8 after.

9 ATTORNEY SCHNEIDER: So in that situation,  
10 your friend tried to overdose, she talked to you  
11 about it, and then did you contact law enforcement?

12 JUROR VANDENBERG: No. I called her mom  
13 and they took her to the ER and I had something to  
14 fill out.

15 ATTORNEY SCHNEIDER: And then you filled  
16 out what you knew?

17 JUROR VANDENBERG: Yes.

18 ATTORNEY SCHNEIDER: A situation, Miss  
19 Vandenberg, where you knew something that a friend  
20 had done but yet wanted to share that information,  
21 correct?

22 JUROR VANDENBERG: Yeah.

23 ATTORNEY SCHNEIDER: Wanted to get her  
24 help?

25 JUROR VANDENBERG: Yes.

1                   ATTORNEY SCHNEIDER: And even though it was  
2                   your friend and you were saying something that wasn't  
3                   putting her in the best light, it was something you  
4                   felt was important to say?

5                   JUROR VANDENBERG: Right.

6                   ATTORNEY SCHNEIDER: Okay. Thank you.

7                   Anyone else that I missed?

8                   Okay. Miss Plamann, that --

9                   JUROR PLAMANN: The situation we discussed  
10                  earlier, and then we had a break-in at our house so  
11                  the police officers came, and then for the traffic  
12                  accidents, the reports on those.

13                  ATTORNEY SCHNEIDER: And in all those  
14                  situations tried to explain and tell the officers  
15                  what you knew or what you could remember?

16                  JUROR PLAMANN: Correct.

17                  ATTORNEY SCHNEIDER: Okay. Thank you, Miss  
18                  Plamann.

19                  Anyone ever been involved in a situation, Miss  
20                  Steffen has talked about her mom, when your mom went  
21                  into diabetic shock, anyone else ever involved in a  
22                  situation where, whether it be someone you knew or a  
23                  stranger, had a serious emotional issue or was  
24                  seriously injured and you had to call law  
25                  enforcement? Anyone ever have that life experience?

1 Mr. Nichols?

2 JUROR NICHOLS: I saw a guy get  
3 electrocuted.

4 ATTORNEY SCHNEIDER: Okay. And obviously  
5 contacted law enforcement for that situation?

6 JUROR NICHOLS: Ambulance.

7 ATTORNEY SCHNEIDER: Thank you, Mr.  
8 Nichols.

9 Mr. Maas? I thought that was a movement there.  
10 What kind of situation or just at the bar?

11 JUROR MAAS: No. I've seen multiple  
12 accidents.

13 ATTORNEY SCHNEIDER: Okay.

14 JUROR MAAS: That kind of thing.

15 ATTORNEY SCHNEIDER: Ones where parties  
16 were injured?

17 JUROR MAAS: Were killed, yes.

18 ATTORNEY SCHNEIDER: Okay. Thank you, Mr.  
19 Maas.

20 You will learn that as part of this case Luna  
21 Lounge, back in December of 2013, did have some video  
22 cameras installed at the business, and during the  
23 course of this case and trial you will see images  
24 from those video cameras, and primarily I think two  
25 camera angles. You will learn, for those of you who



1 know Luna, one shows the front door area from inside  
2 looking kind of out of the door, and the other one is  
3 a camera angle that shows into what we will refer to  
4 as like the main bar, it's the upper bar area.

5 Anyone at their employment have a security  
6 camera or a security system where you've ever had to  
7 go and watch or look at any of that kind of  
8 surveillance?

9 Okay. We're going to start in the back row.  
10 Mr. Schueller?

11 JUROR SCHUELLER: I'm an assistant manager  
12 at my place of employment.

13 ATTORNEY SCHNEIDER: Okay.

14 JUROR SCHUELLER: And I help with AP, Asset  
15 Protection, to catch individual people.

16 ATTORNEY SCHNEIDER: Is it a situation,  
17 because I remember looking at your sheet, your video  
18 camera system is in color, correct, or is it black  
19 and white?

20 JUROR SCHUELLER: Black and white  
21 unfortunately.

22 ATTORNEY SCHNEIDER: Is it a situation, Mr.  
23 Schueller, where you've ever been asked by law  
24 enforcement to kind of go back and find a particular  
25 area of the video?

1 JUROR SCHUELLER: Yup.

2 ATTORNEY SCHNEIDER: Okay. Anyone else  
3 then in that back row before I move up?

4 (No response.)

5 ATTORNEY SCHNEIDER: And then in the second  
6 row, anyone? Mr. Maas?

7 JUROR MAAS: I've got cameras.

8 ATTORNEY SCHNEIDER: At the bar you owned?

9 JUROR MAAS: Yes.

10 ATTORNEY SCHNEIDER: Probably because you  
11 were the one running it, responsible at different  
12 times for going back and trying to find things on  
13 those cameras?

14 JUROR MAAS: Yes, ma'am.

15 ATTORNEY SCHNEIDER: Thank you, Mr. Maas.  
16 Then, Miss Erickson?

17 JUROR ERICKSON: Yes. With my employment  
18 I'm manager so I check the cameras for theft or other  
19 incidences in the store.

20 ATTORNEY SCHNEIDER: Where do you work  
21 again?

22 JUROR ERICKSON: I work at Woodman's.

23 ATTORNEY SCHNEIDER: Okay. Thank you.  
24 Ever asked by law enforcement to look for something  
25 particular on that?

1 JUROR ERICKSON: Yes.

2 ATTORNEY SCHNEIDER: Okay. Anyone else in  
3 that row? Mr. Bloomer?

4 JUROR BLOOMER: I've watched as many as  
5 probably 15 different cameras, and I -- I have in one  
6 place I worked, Kimberly Clark, where they wanted to  
7 review. It's not really too hard to do.

8 ATTORNEY SCHNEIDER: Thank you, Mr.  
9 Bloomer.

10 And in the front row?

11 (No response.)

12 ATTORNEY SCHNEIDER: Okay. You will learn  
13 and see as part of this case that the camera system  
14 Luna had, because of, in essence, the lighting  
15 inside, which is set up to be with many black lights,  
16 that it's almost -- the images are almost going to be  
17 like a night vision camera. Okay? And I know those  
18 are popular with hunters and popular in different  
19 fields. Does anyone have such a type of a camera?

20 Okay. Mr. Calmes?

21 JUROR CALMES: Yes.

22 ATTORNEY SCHNEIDER: Is it something where  
23 you've set it up to see if wildlife come I'm  
24 guessing?

25 JUROR CALMES: Exactly.

1                   ATTORNEY SCHNEIDER: Is the type of camera  
2                   you have such where the colors that you see on those  
3                   images are not consistent with what is actually out  
4                   there?

5                   JUROR CALMES: Absolutely.

6                   ATTORNEY SCHNEIDER: Anyone else ever have  
7                   any of those types of cameras or watch, whether it be  
8                   shows or I think there is even some local live feeds  
9                   where they have these cameras set up here in our  
10                  area?

11                  (No response.)

12                  ATTORNEY SCHNEIDER: In this case you are  
13                  going to hear testimony from people that the  
14                  defendant spoke to after the offense, so I want to  
15                  ask you if you've ever had the situation where  
16                  someone told you that they were involved in an  
17                  offense, it could be, hey, last night I hit the  
18                  neighbor's tree because I was so drunk on the phone,  
19                  or it could be something more significant like I got  
20                  in a significant fight with my loved one and I beat  
21                  her up. Has anyone ever had the experience where a  
22                  family member or friend ever disclosed or talked to  
23                  you about something they had done?

24                  (No response.)

25                  ATTORNEY SCHNEIDER: Part of the case -- at

1           some point you're going to also hear phone calls that  
2           come from a jail recording system. Has anyone ever  
3           received a call from anyone and talked to them on a  
4           system where that person might have been  
5           incarcerated?

6           Okay. Mr. Shea. When was that?

7           JUROR SHEA: Year ago.

8           ATTORNEY SCHNEIDER: Okay. And was it the  
9           type of recording system where it would tell you at  
10          the start that it was being recorded or monitored?

11          JUROR SHEA: I think they say it's from an  
12          inmate.

13          ATTORNEY SCHNEIDER: Okay. And it sounds  
14          like it was probably limited calls?

15          JUROR SHEA: It's time limited because I  
16          had to pay for the phone call with my son.

17          ATTORNEY SCHNEIDER: But you had multiple  
18          calls -- multiple conversations with him?

19          JUROR SHEA: Yes.

20          ATTORNEY SCHNEIDER: Okay. Thank you.  
21          Miss Erickson?

22          JUROR ERICKSON: Yeah. Just a few family  
23          and friends if they got put up in the jail or  
24          something like that. And it always states that.

25          ATTORNEY SCHNEIDER: That these calls are

1           being recorded or monitored?

2                   JUROR ERICKSON: As long as I can remember.  
3           I've always heard that.

4                   ATTORNEY SCHNEIDER: Anyone else I'm  
5           missing?

6                   Miss Micke?

7                   JUROR MICKE: My brother.

8                   ATTORNEY SCHNEIDER: Okay. And then I  
9           think, Mr. Van Deurzen, did you raise your hand?

10                  JUROR VAN DEURZEN: Yup.

11                  ATTORNEY SCHNEIDER: What kind of situation  
12           was that?

13                  JUROR VAN DEURZEN: My son.

14                  ATTORNEY SCHNEIDER: Okay.

15                  You will likely hear recordings or as part of  
16           those calls at times people were speaking in the  
17           Hmong language. Does anyone on the panel read or  
18           speak that language or any version that may be out  
19           there of that language?

20                  (No response.)

21                  ATTORNEY SCHNEIDER: Just let me grab my  
22           notes real quick here.

23                  Miss Steffen, on your paperwork you listed that  
24           you were retired. What did you do for a career?

25                  JUROR STEFFEN: I was a teacher at one

1 time. And then I owned my own business. I did craft  
2 shows.

3 ATTORNEY SCHNEIDER: Thank you.

4 Mr. Buza, what did you do for a career?

5 JUROR BUZA: I was a mailman for 23 years.  
6 Before that I worked on the railroad for 20 years.

7 ATTORNEY SCHNEIDER: Okay. Was that always  
8 here in the Fox Cities or Outagamie County or  
9 different parts?

10 JUROR BUZA: I worked in Menasha for 23  
11 years as a mailman. Railroad, I was all over.

12 ATTORNEY SCHNEIDER: Okay.

13 Sometimes questions, depending upon the time of  
14 the year, I'm not sure which way to ask this, but  
15 this is a social media type question, so I'm going to  
16 ask it in what I think will elicit the fewest number  
17 of responses.

18 How many of you do not have a Facebook account?

19 Okay. Just -- I'm going to take notes. Miss  
20 Hermus, Miss Dey, Mr. Van Dalen, Mr. Eggers, Miss  
21 Steffen. And then Miss Micke? And Miss Elbe.

22 For those of you who do --

23 JUROR WEBSTER: I don't have a Facebook.

24 ATTORNEY SCHNEIDER: Mr. Webster, you do  
25 not? Sorry. I missed your hand. Mr. Keleske?

1 JUROR KESLESKE: Correct.

2 ATTORNEY SCHNEIDER: Now I'm going to look  
3 at any little flinch everybody makes.

4 For those of you who do have an account, have  
5 you ever had a situation where you've had to  
6 deactivate or take it down for any reason?

7 Okay. Just Miss Giesen?

8 JUROR GIESEN: Giesen.

9 ATTORNEY SCHNEIDER: What kind of situation  
10 was that?

11 JUROR GIESEN: My nephews were putting some  
12 naughty things on there and I didn't care to see  
13 them.

14 ATTORNEY SCHNEIDER: Okay. Thank you, Miss  
15 Giesen.

16 JUROR GIESEN: Sure.

17 ATTORNEY SCHNEIDER: As part of this case,  
18 and we've already kind of discussed the fact that the  
19 victim was shot in the head, so I need to ask some  
20 questions about firearms, and those of you that own  
21 firearms, if you just hunt with them, if it's  
22 something you collected them, and then I will  
23 probably ask if it's something as any part of an  
24 occupation have you ever had to have - I know I'll  
25 get one response to that - a firearm. So who on the



1 panel either you've owned them or they've been in  
2 your home? Firearms this would be.

3 Okay. So I'm going to start in the back row.

4 Miss Hermus, is it something that they are your  
5 guns?

6 JUROR HERMUS: They are my husband's and he  
7 uses them for hunting.

8 ATTORNEY SCHNEIDER: Hunting.

9 JUROR HERMUS: Yes.

10 ATTORNEY SCHNEIDER: Have you ever shot any  
11 of them?

12 JUROR HERMUS: (Shaking head back and  
13 forth.)

14 ATTORNEY SCHNEIDER: No? Thank you.

15 Miss Dey?

16 JUROR DEY: My husband's.

17 ATTORNEY SCHNEIDER: For hunting or --

18 JUROR DEY: Hunting.

19 ATTORNEY SCHNEIDER: Have you ever fired  
20 any of them?

21 JUROR DEY: No.

22 ATTORNEY SCHNEIDER: Mr. Van Deurzen?

23 JUROR VAN DEURZEN: Yes. For hunting.

24 ATTORNEY SCHNEIDER: So primarily shotguns?

25 JUROR VAN DEURZEN: Rifles.

1 ATTORNEY SCHNEIDER: Rifles.

2 Mr. Schueller, it was no response, okay.

3 Mr. Calmes.

4 JUROR CALMES: Hunting, rifle and  
5 shotgun.

6 ATTORNEY SCHNEIDER: Mr. Parker?

7 JUROR PARKER: Hunting, rifle and shotgun.

8 ATTORNEY SCHNEIDER: Then the middle row.  
9 Mr. Fleming?

10 JUROR FLEMING: Handguns from my dad.

11 ATTORNEY SCHNEIDER: Sure.

12 JUROR FLEMING: They're mostly pistols.

13 ATTORNEY SCHNEIDER: Okay.

14 JUROR FLEMING: But there are a couple  
15 rifles.

16 ATTORNEY SCHNEIDER: Okay. Is it something  
17 where you just keep them and collect them or do you  
18 take them out to a range and ever shoot them?

19 JUROR FLEMING: Sometimes -- we used to  
20 shoot them when my dad was younger and still alive.  
21 When I was younger, yeah, we did, we would go to the  
22 target range and go target shooting.

23 ATTORNEY SCHNEIDER: Thank you.

24 Miss Steffen? No? Okay.

25 Then Miss Meyer? Yes?

1 JUROR MEYER: My husband's for hunting.

2 ATTORNEY SCHNEIDER: And then Mr. Wells?

3 JUROR WELLS: Shotgun. My grandpa gave it  
4 to me.

5 ATTORNEY SCHNEIDER: Wanted to make you a  
6 hunter.

7 JUROR WELLS: Yeah. I don't really keep  
8 doing it though.

9 ATTORNEY SCHNEIDER: Mr. Maas. Hunting?

10 JUROR MAAS: No. Personal.

11 ATTORNEY SCHNEIDER: Okay. You own a .25  
12 caliber?

13 JUROR MAAS: At one time I did, yes.

14 ATTORNEY SCHNEIDER: Okay. Mr. Van Dalen?

15 JUROR VAN DALEN: No.

16 ATTORNEY SCHNEIDER: Firearms, no.

17 Mr. Eggers?

18 JUROR EGGERS: Hunting, personal  
19 protection. I own numerous guns, shotguns, rifles,  
20 pistols.

21 ATTORNEY SCHNEIDER: Thank you, Mr. Eggers.

22 JUROR EGGERS: With a concealed carry  
23 permit.

24 ATTORNEY SCHNEIDER: You do have a CC with  
25 permit?

1 JUROR EGGERS: Yes.

2 ATTORNEY SCHNEIDER: Thank you.

3 Then anyone in the third row?

4 Okay. Mr. Shea.

5 JUROR SHEA: Hunting. I have a rifle and a  
6 shotgun.

7 ATTORNEY SCHNEIDER: Okay.

8 Miss Erickson?

9 JUROR ERICKSON: Collecting, hunting and  
10 personal.

11 ATTORNEY SCHNEIDER: Do you have a .25?

12 JUROR ERICKSON: No.

13 ATTORNEY SCHNEIDER: Miss Lee. Firearms?

14 JUROR LEE: Just growing up as a kid my dad  
15 and my brother with hunting.

16 ATTORNEY SCHNEIDER: And then, Mr. Green,  
17 any firearms?

18 JUROR GREEN: Shotgun and rifle.

19 ATTORNEY SCHNEIDER: And then anyone else  
20 in that row?

21 Okay. Miss Micke?

22 JUROR MICKE: We have -- my fiance owns  
23 ones for hunting and then we also have handguns for  
24 birding.

25 ATTORNEY SCHNEIDER: Okay. And then Mr.

1 Nichols?

2 JUROR NICHOLS: I've got a rifle, shotgun  
3 and handguns.

4 ATTORNEY SCHNEIDER: Ever own a .25  
5 caliber?

6 JUROR NICHOLS: No.

7 ATTORNEY SCHNEIDER: Okay. I'll get to you  
8 in one second, Miss Plamann.

9 Mr. Keleske?

10 JUROR KELESKE: Just rifles. Hunting.

11 ATTORNEY SCHNEIDER: Anyone else in the  
12 front row then?

13 Okay. Mr. Buza, and you had mentioned you had a  
14 job when you worked security at the Army prison?

15 JUROR BUZA: Army.

16 ATTORNEY SCHNEIDER: So you had --

17 JUROR BUZA: I got rifles and shotguns but  
18 mostly hunting.

19 ATTORNEY SCHNEIDER: Okay. Other than your  
20 work in the Army, did you ever have any other  
21 profession where you had to carry a firearm or a gun?

22 JUROR BUZA: No.

23 ATTORNEY SCHNEIDER: Anyone else in the  
24 front row? Miss Elbe?

25 JUROR ELBE: Yes. My husband had an old,

1 old gun, don't ask me what it is, he's deceased, and  
2 so it's up in the deer antlers and it's older than  
3 old.

4 ATTORNEY SCHNEIDER: Layers of dust  
5 probably.

6 JUROR ELBE: Yeah. Pretty much.

7 ATTORNEY SCHNEIDER: And then Miss Plamann?

8 JUROR PLAMANN: We have -- my dad gave us,  
9 it's either -- it's for hunting. I don't use it.  
10 But then I grew up with them with my dad. I used to  
11 hunt when I was younger. I don't anymore.

12 ATTORNEY SCHNEIDER: Does anyone on the  
13 panel have -- I'm sorry, Miss Giesen. I missed you  
14 over there.

15 JUROR GIESEN: That's all right. Hunting  
16 for my sons and my husband and shotguns.

17 ATTORNEY SCHNEIDER: Does anyone on the  
18 panel -- Mr. Bloomer?

19 JUROR BLOOMER: I wasn't sure whether you  
20 were asking for military experience.

21 ATTORNEY SCHNEIDER: Yes. That --

22 JUROR BLOOMER: Okay. Yeah. I -- you do  
23 that in the military.

24 ATTORNEY SCHNEIDER: What branch did you  
25 serve in?

1 JUROR BLOOMER: The Army Reserve and the  
2 Air Force.

3 ATTORNEY SCHNEIDER: Thank you.

4 Anyone on the panel have strong personal beliefs  
5 that there should be more gun - I'll come to you,  
6 Miss Erickson, one second - more gun restrictions or  
7 sanctions or laws related to gun use?

8 Mr. Shea, feel we're lax in some areas?

9 JUROR SHEA: Maybe I misunderstood the  
10 question. I feel like there should be more gun  
11 control. I have a rifle and a shotgun, but I feel  
12 that there's too many handguns out there.

13 ATTORNEY SCHNEIDER: And that's kind of one  
14 of those examples if I ask something and you confuse  
15 me, clarify. That's what I was asking for is if  
16 anyone has a personal opinion, not all types because  
17 if you hunt, but if there should be restrictions  
18 placed on certain types of weapons or firearms, so  
19 thank you, Mr. Shea.

20 Miss Erickson, you raised your hand and I just  
21 kept going.

22 JUROR ERICKSON: No problem. The military  
23 experience.

24 ATTORNEY SCHNEIDER: Okay. And what branch  
25 did you serve in?

1 JUROR ERICKSON: Army, ten years.

2 ATTORNEY SCHNEIDER: Okay. Thank you.

3 Miss Steffen?

4 JUROR STEFFEN: There should be more gun  
5 control.

6 ATTORNEY SCHNEIDER: Okay. Thank you.

7 Anyone -- Mr. Fleming?

8 JUROR FLEMING: I agree that there should  
9 be a little bit more. Not take them away, little bit  
10 more.

11 ATTORNEY SCHNEIDER: Okay. Thank you.

12 I think we would have touched on this if it  
13 happened already, but I need to ask. Has anyone ever  
14 had a situation where a gun was pulled out, displayed  
15 or used or threatened to be used against you?

16 (No response.)

17 ATTORNEY SCHNEIDER: Anyone have that  
18 situation with a family member or a friend where you  
19 would have talked to them about that experience?

20 (No response.)

21 ATTORNEY SCHNEIDER: Miss Erickson?

22 JUROR ERICKSON: Family friend.

23 ATTORNEY SCHNEIDER: Can you please  
24 describe for us what happened?

25 JUROR ERICKSON: Suicidal tendencies.



1                   ATTORNEY SCHNEIDER: So you were present  
2                   when this person would have --

3                   JUROR ERICKSON: Correct.

4                   ATTORNEY SCHNEIDER: -- displayed a gun?

5                   JUROR ERICKSON: Displayed it.

6                   ATTORNEY SCHNEIDER: Thank you, Miss  
7                   Erickson.

8                   Mr. Bloomer?

9                   JUROR BLOOMER: It was a -- the officer  
10                  made a mistake. My brother and I were young, I was  
11                  only 17 at the time, I was in Colorado and we were  
12                  hiking in some hills, and he came up to us and pulled  
13                  his gun and said stop because we -- we saw him, we  
14                  turned around, we were going to walk, and so -- but  
15                  he told us right away.

16                  ATTORNEY SCHNEIDER: It was calmed down?

17                  JUROR BLOOMER: Yeah. It was a mistake.

18                  ATTORNEY SCHNEIDER: Okay. Thank you, Mr.  
19                  Bloomer.

20                  We locally have many services that provide  
21                  assistance to crime victims. We have programs such  
22                  as Harbor House which is our local domestic violence  
23                  shelter, we have the Sexual Assault Crisis Center  
24                  which by its name supports victims who have been  
25                  involved in sexual offenses, we have programs like

1           our Child Advocacy Center which provides assistance  
2           to child victims or witnesses, we have programs like  
3           MADD, Mothers Against Drunk Driving, some of the high  
4           schools have SADD, which is Students Against Drunk  
5           Driving.

6                     Anyone ever volunteer or contribute to any of  
7           those type of programs, sometimes it's through United  
8           Way through work?

9                     Okay. Mr. Schueller.

10                    JUROR SCHUELLER: During high school I  
11           participated in a group called Peers for Fears which  
12           was done through the Washington County Alcohol  
13           System.

14                    ATTORNEY SCHNEIDER: And that was while you  
15           were in high school and you were assisting other high  
16           school students?

17                    JUROR SCHUELLER: Yeah.

18                    ATTORNEY SCHNEIDER: Thank you, Mr.  
19           Schueller.

20                    Anyone else? Mr. Shea?

21                    JUROR SHEA: Harbor House.

22                    ATTORNEY SCHNEIDER: That through work or  
23           personal donation?

24                    JUROR SHEA: My wife and I made --

25                    COURT REPORTER: I didn't hear his answer.

1                   ATTORNEY SCHNEIDER: He said his wife and  
2                   him made meals and dropped off the meals.

3                   ATTORNEY SCHNEIDER: Anyone else on the  
4                   panel?

5                   Do we want to take Mr. Keleske?

6                   THE COURT: Unless you're very close to  
7                   being finished, and that's not meant to be a  
8                   pressure.

9                   ATTORNEY SCHNEIDER: No. That's okay. We  
10                  can.

11                  Okay. I'm just going to double-check my notes  
12                  here.

13                  For those of you who were witnesses to  
14                  accidents, and we have a lot of you who describe that  
15                  situation who might have seen that accident or been  
16                  involved in an accident, were there ever any times  
17                  where another party requested you not talk to the  
18                  police about what you saw?

19                  (No response.)

20                  ATTORNEY SCHNEIDER: No one had that  
21                  experience.

22                  Again, I just want to ask this question. Is  
23                  there anything anyone's thought of from my questions  
24                  that now you think of something you would want to  
25                  provide an answer to?

1 (No response.)

2 ATTORNEY SCHNEIDER: And again, going back  
3 to the charges in this case, you've had time to learn  
4 more about the facts or different components that  
5 might come out, is there anyone as you sit here now  
6 for personal or religious reasons or just any other  
7 reasons -- and, Miss Giesen, is it the same issue we  
8 talked about in the back?

9 JUROR GIESEN: No. It's about people being  
10 shot. I -- my brother shot his leg when I was about  
11 five-years old.

12 ATTORNEY SCHNEIDER: Okay.

13 JUROR GIESEN: And I had a friend -- my  
14 brother's friend shot himself in the wrist  
15 accidentally when I was about twelve, I mean, twelve  
16 years old.

17 ATTORNEY SCHNEIDER: Okay. Thank you.  
18 Okay. Miss Dey.

19 JUROR DEY: My brother-in-law committed  
20 suicide, and I -- my sister called me right after it  
21 happened so I arrived there about the same time the  
22 cops did.

23 ATTORNEY SCHNEIDER: Did you have an  
24 occasion to see him?

25 JUROR DEY: No, but we had to clean up the

1 garage and stuff like that after.

2 ATTORNEY SCHNEIDER: Okay. All right.

3 Thank you, Miss Dey.

4 Mr. Fleming?

5 JUROR FLEMING: My brother committed  
6 suicide.

7 ATTORNEY SCHNEIDER: Was it something where  
8 you went to the home or where that occurred after?

9 JUROR FLEMING: Yeah.

10 ATTORNEY SCHNEIDER: Okay. Having that  
11 situation -- and you will hear some of the witnesses  
12 try to provide some support and assistance, and  
13 ultimately officers did as well, to Mr. Richards, is  
14 that going to cause you any concern in weighing or  
15 being a juror in this case?

16 JUROR FLEMING: It was a while back. I  
17 think -- I can't say I've overcome it, but I think  
18 pretty okay with it.

19 ATTORNEY SCHNEIDER: Thank you, Mr.  
20 Fleming.

21 Anyone else have a situation where a family  
22 member or loved one committed suicide or injured  
23 themselves because of a firearm?

24 More, Miss Giesen?

25 JUROR GIESEN: It was a close friend's son

1 committed suicide.

2 ATTORNEY SCHNEIDER: Okay. Thank you.

3 So the question then, knowing the facts and  
4 knowing more about what you know and thinking about  
5 your life experiences, does anyone think right now  
6 for personal or religious reasons you could not sit  
7 in judgment of another and serve as a juror in this  
8 case?

9 (No response.)

10 ATTORNEY SCHNEIDER: Okay. That's all.  
11 Miss Giesen?

12 JUROR GIESEN: Yes.

13 ATTORNEY SCHNEIDER: Okay. For the same  
14 reasons we talked about.

15 JUROR GIESEN: (Nodding.)

16 ATTORNEY SCHNEIDER: Okay. Thank you.  
17 That's all I have at this point.

18 Mr. Keleske, I think we're going to take you  
19 back at some point and ask you a few follow-up  
20 questions, but I thank you all for your time and your  
21 patience and your attention this afternoon and all  
22 day.

23 THE COURT: Okay. What we're going to do  
24 is we'll go in back, talk to Mr. Keleske, then we're  
25 going to return, and we'll have about a ten-minute

1 break so that you can get up, stretch if you need to,  
2 walk around a little bit or get something to drink or  
3 utilize the restroom. So we'll be just a moment and  
4 then we'll go on about a ten-minute break.

5 (Proceedings held outside the presence of  
6 the jury panel.)

7 (Mr. Keleske enters.)

8 THE COURT: Mr. Keleske, to one of Attorney  
9 Schneider's questions you had indicated that you had  
10 a family member or a friend who had been involved in  
11 a crime and wanted to talk about it in a more  
12 intimate setting.

13 JUROR KELESKE: Yeah.

14 THE COURT: What would you like to share?

15 JUROR KELESKE: My wife was convicted of  
16 forgery two years ago. She's still on probation.  
17 During the previous two years I've been battling  
18 anxiety and depression. Right now I'm having a mild  
19 anxiety attack because of the questions she asked.  
20 And it's not your fault. I thought I was strong  
21 enough and ready to do something like this for the  
22 community. I really don't think I am.

23 THE COURT: Okay.

24 JUROR KELESKE: I'm being honest with  
25 you.

1 ATTORNEY SCHNEIDER: No. That's okay.

2 THE COURT: No. That's absolutely fine.

3 And I -- just so that I'm clear, it's -- you  
4 understand this may take seven, eight, nine days.

5 JUROR KELESKE: Yes.

6 THE COURT: And the subject matter,  
7 although the questions will not be directed at you  
8 per se, meaning you'll be asked the questions, it may  
9 be of a subject matter that may be challenging for  
10 you; is that a fair statement?

11 JUROR KELESKE: Be very challenging for me  
12 right now. I thought I was further along in my  
13 treatment with anxiety and depression, and clearly  
14 I'm not. Right now I'm a basket case.

15 THE COURT: No. There's no shame in that.  
16 And is it fair to say that your -- and the only thing  
17 I ask is that you be honest. Is it fair to say that  
18 you truly and sincerely feel that you would not be  
19 able to listen to the case, listen to the evidence  
20 and make a decision?

21 JUROR KELESKE: I don't want to jeopardize  
22 the last two years, excuse my language, but the last  
23 two years was living hell in my household. I've  
24 worked very hard to get to the point where I'm at  
25 now, because it was bad at my house because of what



1           happened in my household. I -- I just can't take it,  
2           Your Honor.

3                   THE COURT: And it -- I guess I surmise  
4           that it would be a fair statement to say that if you  
5           were on the panel you would be distracted, to say the  
6           least. Would that be a fair statement?

7                   JUROR KELESKE: Yeah, now. I was doing  
8           real good until she asked the question if anybody was  
9           convicted or something like that. It brought up a  
10          lot of bad memories over the last two years.

11                  THE COURT: Got it. Well, Mr. Keleske,  
12          thank you. Those are the only questions I have for  
13          you at this time. What I'd like to you do is, why  
14          don't you take the break with the group and then come  
15          back and then we'll address everything when you come  
16          back. Okay?

17                  JUROR KELESKE: Okay.

18                  THE COURT: All right.

19                  ATTORNEY SCHNEIDER: Thank you, Mr.  
20          Keleske.

21                  (Mr. Keleske exits.)

22                  ATTORNEY SCHNEIDER: Should we just strike  
23          her for cause?

24                  ATTORNEY VISHNY: I think she's right  
25          there. After the last thing she's gone.

1                   THE COURT: We went through a long colloquy  
2                   and --

3                   ATTORNEY SCHNEIDER: I don't think we  
4                   should bring her back.

5                   THE COURT: She thought she could do it and  
6                   she raised her hand again. I think we can strike  
7                   her.

8                   ATTORNEY SCHNEIDER: Then she's only in the  
9                   on deck circle, but she is --

10                  ATTORNEY VISHNY: She doesn't know it, but  
11                  she's going to be one closer now because, right, so  
12                  believe me, when we get to voir dire, there is going  
13                  to be more people who go. I'm sure of it.

14                  THE COURT: All right.

15                  (Following proceedings held outside the  
16                  presence of the jury panel.)

17                  THE COURT: We are again on the record in  
18                  *State of Wisconsin v. Chong Lee*.

19                  And we have before us Mr. Paul Lee, along with  
20                  his counsel, Attorney Jonathan Groh. We also have  
21                  Outagamie County Assistant District Attorney Andrew  
22                  Maier, along with Outagamie County District Attorney  
23                  Carrie Schneider.

24                  The purpose of today's proceedings is this  
25                  morning the court was advised that there was a reason

1 to believe that Mr. Lee -- Mr. Paul Lee would not  
2 appear pursuant to a subpoena. My understanding is  
3 that there was contact with the District Attorney's  
4 office and that communication did come from Mr. Paul  
5 Lee. As such, the court did authorize a warrant to  
6 be issued. That was issued and subsequently Mr. Paul  
7 Lee was detained and he is currently again with his  
8 counsel and before us today.

9 It does appear that the issue that needs to be  
10 addressed is that under Wisconsin statute section  
11 969.01(3). And, Attorney Schneider, what  
12 additionally would you like to say on the matter?

13 ATTORNEY SCHNEIDER: In -- in some ways I  
14 think I probably made a record of this -- I don't  
15 know that I mentioned it when we had our hearing on  
16 February 10th, but I do know on February 18th I  
17 referenced that the State may have to file a motion  
18 because we were concerned about the nonappearance of  
19 potentially Paul Lee. I think I had also mentioned  
20 Joe Thor at the time. This morning then, it was  
21 probably even close to nine a.m. by the time we had  
22 finished discussing other issues in the jury room,  
23 when I was advised that Paul Lee had not made an  
24 appearance pursuant to the subpoena. I know he was  
25 served, I know law enforcement had discussions with

1 him after that fact about the date and the start date  
2 and the time he was needed to report. I told him  
3 such when I met with him and gave him some copies of  
4 his police statements. But contrary to that, we had  
5 also -- he had also at one point swore at my  
6 victim/witness staff in the last week-and-a-half and  
7 told her he didn't care if a warrant was issued. I  
8 think he had shared the same with officers, he wasn't  
9 going to come, he didn't care if a warrant was  
10 issued.

11 So, based upon that, I had asked the court this  
12 morning to issue the warrant. I don't think you  
13 specifically said yet, but I think I -- I think you  
14 can add to the record that based upon my request  
15 there is a case, *State v. Brady* at 130 Wis.2d 443,  
16 where the court should support the warrant by  
17 probable cause to believe the testimony of the person  
18 is material and that it may be impractical to secure  
19 the person's presence by subpoena. And I think based  
20 upon the motion hearings we've had and your awareness  
21 of his testimony, I think that was -- I'm going to  
22 infer from you ordering it that you found that there  
23 was probable cause to believe those things existed.

24 So we are now at the point of do we set bail,  
25 what do we do for bail, what do we set bail at.

1           There are provisions within 969.01(3) that reference  
2           bail for witness. There are provisions that talk  
3           about even if the person fails to give bail you can  
4           hold the person for up to 15 days to allow for a  
5           deposition to occur. Well, in this situation we're  
6           not going to need that. I'm going to ask that the  
7           court order he be held until his testimony. I'm  
8           trying to work out schedules, but I think at the  
9           present time, and I had just a brief discussion with  
10          Attorney Groh who is here with Mr. Lee, because my  
11          thought would be that he would continue to represent  
12          him until the time at which he would testify, I  
13          guess, because if he refuses, I don't know if the  
14          court can find -- make other findings of contempt or  
15          impose other sanctions, but I had talked to him about  
16          what his schedule might look like on Friday so  
17          Attorney Groh could be here. At this point my plan  
18          would be to have Paul Lee testify Friday afternoon,  
19          but I'm going to ask that you set a very significant  
20          bail, if you set bail at all, to require and mandate  
21          his appearance here.

22                   THE COURT: Attorney Groh.

23                   ATTORNEY GROH: Thank you, Your Honor. I  
24                   was able to meet with my client earlier this  
25                   afternoon. We certainly talked about the subpoena

1 requirements as well as the -- basically the  
2 expectation of having him testify, I guess the other  
3 rights that would go along with that, and it is my  
4 understanding at this time that Mr. Lee is willing to  
5 testify at the trial, so I -- I think -- I think that  
6 issue has been resolved as a result of our  
7 conversations.

8 We -- we would suggest a minimal amount of cash  
9 bail. Once again, I believe Mr. Lee intends to  
10 testify. I don't think he would have the ability to  
11 post anything beyond a minimal amount of cash, so we  
12 would ask the court to consider that request. Thank  
13 you.

14 THE COURT: Thank you, Attorney Groh.

15 And to be clear, Attorney Schneider has  
16 indicated that this may be a potential issue. The  
17 court has been aware of at least some of the  
18 substance of Mr. Paul Lee's anticipated testimony, as  
19 well as what would appear to be his potential  
20 significance to the -- to the overall case, and so it  
21 would appear that -- that at a minimum it would be  
22 categorized that Mr. Paul Lee would be a material  
23 witness.

24 Additionally, there has been an indication based  
25 on representations by the District Attorney's office

1           that there has been, for lack of a better term, an  
2           ebb and a flow to Mr. Paul Lee's willingness to  
3           testify. There have been times where Mr. Paul Lee  
4           had indicated that he would be willing to testify,  
5           even a short time later that would be a -- a change  
6           of heart, so to speak. And so, under the  
7           circumstances, I certainly think that there is a  
8           basis and there has been an adequate showing. What I  
9           would ask, Attorney Schneider, is that at some point,  
10          perhaps today or tomorrow, that it be codified in an  
11          affidavit format, simply the representations you've  
12          -- you have made because it does appear that that  
13          would be necessary ultimately for the compliance with  
14          969.01(3).

15                 That said, when I look at the bond  
16          considerations under (4), the court is to look at  
17          conditions which are only necessary to assure the --  
18          the appearance, in this case it is of the defendant  
19          but I think that it is fair to say that some of those  
20          same considerations we would look at when dealing  
21          with the bail for a witness, and in this case,  
22          certainly given the indications up to this point, as  
23          well as even yet as recent as this morning, Mr. Paul  
24          Lee's failure to appear pursuant to a subpoena, that  
25          a cash bond is appropriate. The court is going to

1           order a \$25,000 cash bond.

2                   Anything else, Attorney Schneider?

3                   ATTORNEY SCHNEIDER: And I know Attorney  
4           Groh has some question whether he continues. I'm  
5           just going to ask that the court order he continue to  
6           represent Paul Lee until the time at which he  
7           testifies.

8                   THE COURT: Absent any sort of conflict of  
9           interest, I will order, Mr. Groh, that you remain on  
10          the case --

11                  ATTORNEY GROH: Sure.

12                  THE COURT: -- until Mr. Paul Lee has  
13          completed his testimony.

14                  ATTORNEY GROH: Okay. Thank you.

15                  THE COURT: Thank you, sir.

16                  Anything else, Attorney Schneider?

17                  ATTORNEY SCHNEIDER: No. If we can just  
18          have five minutes so we can take a restroom break.

19                  THE COURT: Fine.

20                  Mr. Groh, anything further?

21                  ATTORNEY GROH: No.

22                  THE COURT: We'll be in recess for about  
23          five minutes and then we will --

24                  ATTORNEY VISHNY: Are we reconvening in the  
25          jury room or in the courtroom?



1                   THE COURT: Let's reconvene in the jury  
2                   room because we'll have some questions in there, and  
3                   so, Attorney Vishny, if you want to either relax in  
4                   here or alternatively in the jury room, wherever is  
5                   more comfortable.

6                   ATTORNEY VISHNY: Doesn't matter.

7                   (Ms. Stockwell enters.)

8                   THE COURT: Miss Stockwell, how are you?

9                   JUROR STOCKWELL: Okay.

10                  THE COURT: All right. So you have --  
11                  you've heard lots of questions today.

12                  JUROR STOCKWELL: Yeah.

13                  THE COURT: And are there any questions  
14                  that you would have answered yes to that you can  
15                  think of?

16                  JUROR STOCKWELL: There was so many, I  
17                  can't remember all of them.

18                  THE COURT: Okay. And so I had asked you  
19                  questions if you knew of the attorneys.

20                  JUROR STOCKWELL: No.

21                  THE COURT: Okay. Did you know any of the  
22                  witnesses or recognize any of the witness's names?

23                  JUROR STOCKWELL: No.

24                  THE COURT: Okay. Have you -- have you  
25                  ever been a victim of a crime?

1 JUROR STOCKWELL: Well, kinda.

2 THE COURT: Okay. What does that mean?

3 JUROR STOCKWELL: Well, 7th grade people  
4 were trying to bust me and I managed to get away from  
5 them before they could do too much, and I told my mom  
6 about it and they pretty much kicked them out of the  
7 house, like get the hell out of there, and that's  
8 about as far as it got.

9 THE COURT: Okay. And do you think that  
10 would affect your ability to be fair in this case?

11 JUROR STOCKWELL: Yeah, I think so.

12 THE COURT: You think you could be fair or  
13 you couldn't be fair?

14 JUROR STOCKWELL: I think I could be  
15 fair.

16 THE COURT: Okay. Good.

17 And now how about -- I had also asked about the  
18 incident for which we're here for took place at a bar  
19 called the Luna Lounge, and have you ever been there?

20 JUROR STOCKWELL: No, I haven't.

21 THE COURT: Okay. Do you recall seeing any  
22 media reports about this incident?

23 JUROR STOCKWELL: Vaguely I remember  
24 hearing something about it on the news, and it was so  
25 long ago, I kind of forgot about it until I came in

1           today, but, oh, yeah, I think I did hear something  
2           about that.

3                   THE COURT:   Okay.   And now even though you  
4           -- you know a little bit about it, do you think that  
5           would affect your ability to be fair in this case?

6                   JUROR STOCKWELL:   I think I will be able to  
7           be fair.

8                   THE COURT:   Okay.   Do you think you could  
9           -- any decisions you would have to make, you think  
10          you could make it based just on the evidence?

11                  JUROR STOCKWELL:   Yeah.

12                  THE COURT:   Okay.   And then do you have any  
13          -- do you have any -- any commitments in the next two  
14          weeks that you say, oh, my gosh, I just couldn't  
15          reschedule that or anything like that?

16                  JUROR STOCKWELL:   I can't think of any,  
17          except for work, but hopefully they'll be cool and  
18          let me have off for the next two weeks.

19                  THE COURT:   Okay.   And have you -- now, do  
20          you -- what type of job do you work in?

21                  JUROR STOCKWELL:   Well, I just started with  
22          a temp service.   Well, I worked for them before like  
23          maybe a year-and-a-half ago.

24                  THE COURT:   Okay.

25                  JUROR STOCKWELL:   And in between time I had

1 another job, and I quit that job, went back to them  
2 just like in between until I can find more steady  
3 job.

4 THE COURT: Got it.

5 JUROR STOCKWELL: And they just put me at  
6 R.R. Donnelley in Menasha on Midway Road.

7 THE COURT: Okay.

8 JUROR STOCKWELL: Just started Monday, and  
9 it was like -- then I had to call them about this,  
10 called about them coming in, I got to go for jury  
11 selection.

12 THE COURT: Got it. And now do you -- I  
13 know Attorney Schneider had asked, do you -- do you  
14 own any guns?

15 JUROR STOCKWELL: No, I don't.

16 THE COURT: Okay.

17 JUROR STOCKWELL: I don't like guns.

18 THE COURT: Got it. Do you think our gun  
19 laws should be stricter?

20 JUROR STOCKWELL: Yeah.

21 THE COURT: Okay.

22 JUROR STOCKWELL: With all the crap that's  
23 going on lately, I think it should be.

24 THE COURT: Okay. And, Attorney Schneider,  
25 I'm going turn it over to you. I'm trying to think

1 of --

2 ATTORNEY SCHNEIDER: We would have also  
3 asked you, Miss Stockwell, if you had any friends,  
4 family members who are employed in law enforcement.

5 JUROR STOCKWELL: Well, my step-grandfather  
6 used to be a deputy sheriff of Marinette County.

7 ATTORNEY SCHNEIDER: Okay.

8 JUROR STOCKWELL: But he retired like 30  
9 years ago.

10 ATTORNEY SCHNEIDER: Sure. Is it something  
11 where you lived with him when he did that work?

12 JUROR STOCKWELL: When I was little, little  
13 I used to live with them, him and my mother, until my  
14 ma and I could find our own place, but most of the  
15 time I did not live with my grandparents while my  
16 grandfather was with the sheriff's department.

17 ATTORNEY SCHNEIDER: Okay. Is there  
18 anything about having him in that role and now you're  
19 going to be asked to listen to jurors (sic), do you  
20 think you would be able to give officers the same  
21 weight and weigh their testimony the same as anyone  
22 else?

23 JUROR STOCKWELL: Yeah.

24 ATTORNEY SCHNEIDER: Perfect. That was one  
25 of the things we had talked about.

1 JUROR STOCKWELL: Oh, yeah. Then I have  
2 like another cousin who works with the Racine  
3 County --

4 ATTORNEY SCHNEIDER: Okay.

5 JUROR STOCKWELL: -- Police Department, but  
6 he retired. And another cousin, he was a secret  
7 service guy and he was with Marinette County  
8 Sheriff's Department too.

9 ATTORNEY SCHNEIDER: Did you ever talk to  
10 them at all about their work?

11 JUROR STOCKWELL: No.

12 ATTORNEY SCHNEIDER: Okay. And having them  
13 as cousins, would that give you any pause in weighing  
14 the testimony of officers?

15 JUROR STOCKWELL: No. And I hardly ever  
16 see either one of them.

17 ATTORNEY SCHNEIDER: Okay. Do you -- have  
18 you ever served as a juror before?

19 JUROR STOCKWELL: No. I got a letter in  
20 the mail like a few years ago, and every time I  
21 called they said don't show up. I was like, okay,  
22 I'm cool.

23 ATTORNEY SCHNEIDER: I talked a couple  
24 times, and I think judge kind of led with this, that  
25 this is a very significant case and we want jurors

1           who feel that they can serve. Do you have any  
2           personal reasons or religious reasons, anything that  
3           gives you pause in wondering whether you could serve  
4           as a juror?

5                   JUROR STOCKWELL: Can't think of anything  
6           -- why I shouldn't be.

7                   ATTORNEY SCHNEIDER: Okay. Have you  
8           visited Luna Lounge or familiar with where it is on  
9           College?

10                  JUROR STOCKWELL: I went past there before  
11           and never actually went in there.

12                  ATTORNEY SCHNEIDER: Okay. What about  
13           Sharks, the pool hall?

14                  JUROR STOCKWELL: Long, long, long time  
15           ago, probably like ten years ago.

16                  ATTORNEY SCHNEIDER: And then I had asked  
17           about like 1700 North Harriman. Do you know where  
18           that is in the City of Appleton?

19                  JUROR STOCKWELL: Not really.

20                  ATTORNEY SCHNEIDER: Okay.

21                  JUROR STOCKWELL: I kind of know where the  
22           street is but not that part of it.

23                  ATTORNEY SCHNEIDER: Then we kind of talked  
24           about working at a bar being security, anything in  
25           that capacity, do you have any of that experience?

1 JUROR STOCKWELL: Well I used to work at  
2 the Raddison.

3 ATTORNEY SCHNEIDER: Okay.

4 JUROR STOCKWELL: And as a cook, and they  
5 had me in the Clubhouse cooking, and that's about the  
6 closest I have got into working in a bar.

7 ATTORNEY SCHNEIDER: Okay. Do you -- for  
8 personal, religious reasons do you not consume  
9 alcohol?

10 JUROR STOCKWELL: Personally I don't.

11 ATTORNEY SCHNEIDER: Okay. Have you ever?

12 JUROR STOCKWELL: Yeah.

13 ATTORNEY SCHNEIDER: Okay.

14 JUROR STOCKWELL: But I prefer not to.

15 ATTORNEY SCHNEIDER: I had asked about the  
16 series *Making of a Murderer*. Have you watched any of  
17 that?

18 JUROR STOCKWELL: No, I didn't. I just  
19 heard about it and I never watched it.

20 ATTORNEY SCHNEIDER: Are you the kind of  
21 person that's going to be able to stop reading the  
22 paper, watching the news, if judge orders you to do  
23 so?

24 JUROR STOCKWELL: Yeah.

25 ATTORNEY SCHNEIDER: Okay. Have you ever



1           been charged with a crime?

2                       JUROR STOCKWELL: No.

3                       ATTORNEY SCHNEIDER: What about a close  
4           family member or friend?

5                       JUROR STOCKWELL: My brother has been.

6                       ATTORNEY SCHNEIDER: When was that?

7                       JUROR STOCKWELL: The first time was back  
8           in '93 or right around that time frame.

9                       ATTORNEY SCHNEIDER: Was it something where  
10          you ever had to go in and assist him at all?

11                      JUROR STOCKWELL: No.

12                      ATTORNEY SCHNEIDER: Or go to hearings  
13          even?

14                      JUROR STOCKWELL: Nope. And I think the  
15          last time was maybe ten years ago, something like  
16          that.

17                      ATTORNEY SCHNEIDER: Having that  
18          experience, is that going to give you any pause or  
19          any concern in serving as a juror?

20                      JUROR STOCKWELL: No.

21                      ATTORNEY SCHNEIDER: Okay. Did you ever  
22          call 911?

23                      JUROR STOCKWELL: Yeah.

24                      ATTORNEY SCHNEIDER: Okay. Can you tell us  
25          when?

1 JUROR STOCKWELL: One time I was -- worked  
2 for a cleaning service, they had me over at St. E's  
3 and I was ready to go to the bus stop to catch the  
4 bus and I saw, what is it, like a Chevy S10 hit a guy  
5 on a bike, and so I turned around and went back into  
6 the gas station, said, hey, call 911 because there's  
7 been an accident right at the corner.

8 ATTORNEY SCHNEIDER: Did you stay and talk  
9 to the officers?

10 JUROR STOCKWELL: Yeah.

11 ATTORNEY SCHNEIDER: Did you ever have to  
12 go to court for that?

13 JUROR STOCKWELL: No. Nothing ever  
14 happened with it as far as I know. And then  
15 different times I would have to call for my mother  
16 because she was getting -- well, in her 70s, started  
17 having health problems and I would have to call,  
18 like, send an ambulance, help her out here.

19 ATTORNEY SCHNEIDER: Okay. Have you ever  
20 been a witness other than the bicycle accident you  
21 described to anyone who was seriously injured or  
22 hurt?

23 JUROR STOCKWELL: Well there ended up being  
24 another accident at the same intersection. I didn't  
25 hear it, I just heard boom and I knew right away

1           there was an accident. I turned around.

2                   ATTORNEY SCHNEIDER: Did you have to give  
3           any aid to any of the people?

4                   JUROR STOCKWELL: No. And so I called 911  
5           on that one too and said, hey, there's an accident at  
6           an intersection.

7                   ATTORNEY SCHNEIDER: Do you own any  
8           firearms?

9                   JUROR STOCKWELL: No, I don't.

10                  ATTORNEY SCHNEIDER: I had asked about ever  
11           working at a place where there were video cameras or  
12           video images. Do you remember -- have you worked in  
13           such a place?

14                  JUROR STOCKWELL: Yeah.

15                  ATTORNEY SCHNEIDER: Is it a situation  
16           where you ever had to go and look at those?

17                  JUROR STOCKWELL: No.

18                  ATTORNEY SCHNEIDER: I think you already  
19           said no guns, right?

20                  JUROR STOCKWELL: Yeah.

21                  ATTORNEY SCHNEIDER: Okay. Do you have a  
22           Facebook account?

23                  JUROR STOCKWELL: Yeah, but I haven't been  
24           on it for a while.

25                  ATTORNEY SCHNEIDER: Have you ever been a

1 victim of a crime?

2 JUROR STOCKWELL: I think just that little  
3 one that we just talked about.

4 ATTORNEY SCHNEIDER: Okay. And then I  
5 think I asked if you donated time or volunteered with  
6 like Harbor House or Sexual Assault Crisis Center,  
7 Child Advocacy Center.

8 JUROR STOCKWELL: No, but when I was in  
9 high school we had a SADD chapter.

10 ATTORNEY SCHNEIDER: Okay.

11 JUROR STOCKWELL: And peer review, so we  
12 would go in the grade school and talk to like sixth  
13 graders or whatever grade we were in talking, kind of  
14 help them -- talk to them about different things that  
15 could happen in life, how to say no to drugs and all  
16 that lovely stuff.

17 ATTORNEY SCHNEIDER: Okay. I think that  
18 was everything then.

19 THE COURT: Attorney Vishny, any questions?

20 ATTORNEY VISHNY: No.

21 THE COURT: Okay. And thank you, I don't  
22 have any questions for you. And so we will -- we'll  
23 be out in a few moments. Okay?

24 JUROR STOCKWELL: Okay.

25 THE COURT: Thank you.

1 JUROR STOCKWELL: Thanks.

2 (Ms. Stockwell exits; Ms. Blom enters.)

3 THE CLERK: This is Linda Blom.

4 JUROR BLOM: Hi.

5 THE COURT: Miss Blom, how are you?

6 JUROR BLOM: I'm fine.

7 THE COURT: So you have heard a full  
8 morning of questions and a little bit of an afternoon  
9 and hopefully you remember the questions, but are  
10 there any questions that to the best of your  
11 recollection you would have answered yes to or raised  
12 your hand to?

13 JUROR BLOM: I think that I am probably --  
14 would probably hold law enforcement in a stronger  
15 light.

16 THE COURT: Okay. And is there any  
17 particular reason for that?

18 JUROR BLOM: I have friends involved in law  
19 enforcement. I also just think they need to be held  
20 to a higher standard so --

21 THE COURT: And let me ask this. When you  
22 say "held to a higher standard", do you mean --

23 JUROR BLOM: Ethically.

24 THE COURT: -- that you would inherently  
25 believe them more because they're law enforcement or

1           would you say that because they're law enforcement  
2           they have to do things, I guess, more according to  
3           the book than average citizen? How do you mean that?

4                     JUROR BLOM: Probably a little of both.

5                     THE COURT: Okay. The -- the most  
6           important question I guess that I can ask on that  
7           subject is, understanding we all have our experiences  
8           and opinions, but do you feel that you would be able  
9           to look at this case based on the evidence as you see  
10          it and make your -- any decisions you would have to  
11          make based solely on the evidence as you see it?

12                    JUROR BLOM: I would hope that I could.

13          Yes.

14                    THE COURT: Okay. That -- let me ask this.  
15          So if someone that you had -- someone that you love  
16          and care about, if they were on trial --

17                    JUROR BLOM: Um-hum.

18                    THE COURT: -- and knowing you only as you  
19          know you, do you think that you would want you to be  
20          on that jury or would you not want you to be on that  
21          jury?

22                    JUROR BLOM: Oh, geez. I would probably  
23          want me to be on that jury because I think that the  
24          right thing is the right thing regardless.

25                    THE COURT: Okay. And then -- now I've

1           also -- and I had asked questions about being  
2           familiar with any media coverage. Do you remember  
3           reading anything about this case or seeing any --

4                   JUROR BLOM: I do remember it, and the  
5           reason that I remember it is because the day after  
6           the incident, my son came home and said, did you hear  
7           about that -- what happened last night, and we had  
8           not at that point, and he said, I -- I work out with  
9           that guy, the guy who was killed.

10                   THE COURT: Okay. And either -- let me  
11           first ask you, from any media reports you have seen,  
12           have you formulated any opinions on this case?

13                   JUROR BLOM: I have not.

14                   THE COURT: Okay. Now, your son was  
15           someone who was familiar with, if I understood  
16           correctly, the victim in this case?

17                   JUROR BLOM: Correct.

18                   THE COURT: Do you believe that that would  
19           sway your ability to be fair and impartial in this  
20           case?

21                   JUROR BLOM: I do not.

22                   THE COURT: I know Attorney Schneider had  
23           asked questions about -- let me back up. I had asked  
24           questions about whether or not you had any close  
25           friends or family in law enforcement, you just told

1           us that you have friends in law enforcement, are any  
2           of them with the Appleton Police Department?

3                   JUROR BLOM: They are not. Although in my  
4           job I have worked with some of them. I don't know  
5           them personally, but I've worked with them with bank  
6           security.

7                   THE COURT: And are you in the banking  
8           industry?

9                   JUROR BLOM: I am.

10                  THE COURT: And I know Attorney Schneider  
11           had asked this, but since you mentioned bank  
12           security, have you had an opportunity to have to  
13           review security cameras or security footage?

14                  JUROR BLOM: Yes.

15                  THE COURT: Okay. Have you had an  
16           opportunity or an instance where you've had to call  
17           911?

18                  JUROR BLOM: I have not.

19                  THE COURT: And have you ever been the  
20           victim of a crime?

21                  JUROR BLOM: I have not.

22                  THE COURT: Have you ever had to be  
23           involved where you've had to be a witness or testify  
24           to -- it could be a civil matter, meaning a car  
25           accident, it could be a criminal matter?



1 JUROR BLOM: I have not. And I shouldn't  
2 say that. I was a victim. We had a break-in in a  
3 cottage years ago, but no one was there, it was  
4 just --

5 THE COURT: And did you have to talk to  
6 police as a byproduct of that?

7 JUROR BLOM: I did not; my husband did.

8 THE COURT: Okay. Did that experience or  
9 do you think that experience shaped you in any way in  
10 terms of how you would approach this case?

11 JUROR BLOM: No.

12 THE COURT: I know Attorney Schneider had  
13 asked about firearms, do you have any firearms in the  
14 home, either you, yourself personally?

15 JUROR BLOM: My husband was a hunter, so  
16 there are, I don't know what they are, I don't even  
17 know where they are.

18 THE COURT: So from that answer is it safe  
19 to assume that you do not shoot the firearms?

20 JUROR BLOM: I have not.

21 THE COURT: Okay. Do you have any -- any  
22 strong opinions one way or the other as it relates to  
23 the regulations of firearms?

24 JUROR BLOM: No.

25 THE COURT: Okay. Attorney Schneider, I'm

1           sure I'm forgetting a few, but go ahead.

2                   ATTORNEY SCHNEIDER: Are you familiar with  
3           the bar Luna at all?

4                   JUROR BLOM: Just where it is, just know  
5           where it is.

6                   ATTORNEY SCHNEIDER: Is there anything --  
7           and I don't know, Judge, if you covered this, so I  
8           apologize, Miss Blom. Is there anything this week,  
9           next week or even leading into that other week on  
10          your personal schedule, work schedule that's going to  
11          make it difficult?

12                  JUROR BLOM: I have a pretty stressful job  
13          so that will be difficult for me, but --

14                  ATTORNEY SCHNEIDER: Is it such that when  
15          you're not there, no one else is really covering your  
16          work so you're going to come back to --

17                  JUROR BLOM: Correct. No one does my work  
18          when I'm not there.

19                  ATTORNEY SCHNEIDER: Okay. Have you ever  
20          served on a jury before?

21                  JUROR BLOM: I have not.

22                  ATTORNEY SCHNEIDER: I asked, given the  
23          significance of the homicide charge and the other  
24          charges, if you would have any personal or religious  
25          reasons that would cause you pause in serving as a

1 juror.

2 JUROR BLOM: I don't think so.

3 ATTORNEY SCHNEIDER: Sharks Pool Hall --

4 JUROR BLOM: I have not.

5 ATTORNEY SCHNEIDER: Okay. Have you  
6 watched any of the Netflix series?

7 JUROR BLOM: I have not.

8 ATTORNEY SCHNEIDER: Do you drink alcohol?

9 JUROR BLOM: Yes.

10 ATTORNEY SCHNEIDER: Have you ever donated  
11 to like Harbor House, MADD, Sexual Assault Crisis  
12 Center?

13 JUROR BLOM: Not personally. Through  
14 United Way, through donations, but nothing  
15 personally.

16 ATTORNEY SCHNEIDER: I think that was it.

17 THE COURT: Attorney Vishny, any questions?

18 ATTORNEY SCHNEIDER: No. That's okay. Go  
19 ahead.

20 ATTORNEY VISHNY: My only question is just,  
21 you know, you heard about this right after it  
22 happened because of your son. Did you ever read  
23 stories in the paper, anything recent?

24 JUROR BLOM: I did not.

25 ATTORNEY VISHNY: Okay.

1 JUROR BLOM: I'm not a big newspaper  
2 reader.

3 ATTORNEY VISHNY: I do have questions about  
4 law enforcement, but I can simply do them when I'm up  
5 there. I don't have to do them individually.

6 THE COURT: No. If it's part of your  
7 normal questioning.

8 ATTORNEY VISHNY: Part of my normal  
9 questioning. I don't think we need to do it right  
10 now.

11 ATTORNEY SCHNEIDER: One other thing though  
12 that Mr. Duros reminded me of. There is a witness  
13 that may come up. Her name is Alyson Blom.

14 JUROR BLOM: She spells her name  
15 differently, does she not?

16 ATTORNEY SCHNEIDER: No. It's B-L-O-M.  
17 Blom is your married name, correct?

18 JUROR BLOM: Does Alyson live in Milwaukee?

19 ATTORNEY SCHNEIDER: She does now.

20 JUROR BLOM: Alyson is my niece.

21 ATTORNEY SCHNEIDER: Okay. You'll hear  
22 testimony -- do you want me to follow up?

23 ATTORNEY VISHNY: Well, yeah.

24 ATTORNEY SCHNEIDER: So you're going to  
25 hear testimony that Alyson was at Luna on the night

1 of the shooting with Mr. Lee, there is going to be  
2 video images of that, and she will have to come in  
3 and testify. Do you think it will cause you concern  
4 having her as your niece and having to then  
5 potentially serve on the jury?

6 JUROR BLOM: I honestly can't say. I don't  
7 know. Never dealt with anything like that before. I  
8 just honestly don't know.

9 ATTORNEY SCHNEIDER: No. That's okay. Do  
10 you talk to her at all, I mean other than family  
11 events?

12 JUROR BLOM: On Facebook and -- and family  
13 events, yes.

14 ATTORNEY SCHNEIDER: Okay. Let me give you  
15 this example, I'm sure Attorney Vishny may have  
16 others. If Alyson comes in and says, I saw this, I  
17 saw A, and a different witness came in and might say,  
18 no, I saw B, and you had to weigh credibility, who  
19 would you give it to, Alyson because you're related  
20 to her, would you weigh it equally, would you say --

21 JUROR BLOM: I can honestly say I think I  
22 would weigh that equally.

23 ATTORNEY SCHNEIDER: Okay. I don't have  
24 any other questions.

25 ATTORNEY VISHNY: How often do you see

1 Alyson Blom?

2 JUROR BLOM: Every holiday.

3 ATTORNEY VISHNY: Does that mean twice a  
4 year, like Christmas and Easter?

5 JUROR BLOM: Mother's Day, Father's Day,  
6 everything. She comes home for every holiday.

7 ATTORNEY VISHNY: Has she ever talked about  
8 the fact --

9 JUROR BLOM: She has not.

10 ATTORNEY VISHNY: -- that she was at Luna  
11 when the shooting has happened?

12 JUROR BLOM: She has not.

13 ATTORNEY VISHNY: Do you have any opinion  
14 about her about whether or not she's a truthful  
15 person?

16 JUROR BLOM: I would believe her to be a  
17 truthful person.

18 ATTORNEY VISHNY: Okay. Do you -- have you  
19 ever had any opinions about her friends, associates?

20 JUROR BLOM: I don't know her friends and  
21 associates. She's a different age than my children  
22 are. My children grew up in Little Chute, she grew  
23 up in Appleton. I've met several of her boyfriends  
24 throughout the years, but other than that, I have  
25 never gotten to know them well or would not have an

1 opinion.

2 ATTORNEY VISHNY: Have you ever met any guy  
3 she's dated who were Hmong?

4 JUROR BLOM: Yes.

5 ATTORNEY VISHNY: How many?

6 JUROR BLOM: Every guy she's dated has been  
7 Hmong.

8 ATTORNEY VISHNY: Okay. I didn't know that  
9 but --

10 JUROR BLOM: Yes.

11 ATTORNEY VISHNY: Do you remember their  
12 names at all?

13 JUROR BLOM: I do not.

14 ATTORNEY VISHNY: Okay. If I say a name,  
15 I'm just going to ask you --

16 JUROR BLOM: I probably would not remember.  
17 Probably not.

18 ATTORNEY VISHNY: Okay.

19 JUROR BLOM: They come and go and you see  
20 them at Christmas. And I have children and  
21 grandchildren, so the chaos, and truthfully I've  
22 never had any serious conversations with them.

23 ATTORNEY VISHNY: Okay. Do you have any  
24 opinions because she has dated people of Hmong  
25 descent?

1 JUROR BLOM: Racially, no. Alyson is a  
2 very little person, and I think that that's why she  
3 tends to be with that type of person.

4 ATTORNEY VISHNY: Meaning she's short?

5 JUROR BLOM: She's short and little and  
6 tiny, she's -- yes. She's just a sweet little  
7 person.

8 ATTORNEY VISHNY: Okay. Got you. Okay.  
9 I'll ask the law enforcement questions when we're  
10 in.

11 JUROR BLOM: Okay. And I apologize. When  
12 you mentioned the name I never even put that  
13 together. There is an Alyson, actually B-L-O-O-M,  
14 that went to school with my children and I just  
15 assumed that's who that was.

16 ATTORNEY VISHNY: We have heard that there  
17 were two Alyson's with almost the same last name in  
18 Appleton. So thanks.

19 JUROR BLOM: Sure. Am I done?

20 (Ms. Blom exits.)

21 ATTORNEY VISHNY: I don't know. What do  
22 the statutes say if somebody is related, somebody  
23 who's a witness?

24 THE COURT: It's got to be -- there's got  
25 to be some degree of kinship where the statutes speak



1 to it. I don't know what it is though.

2 ATTORNEY SCHNEIDER: It might be in a  
3 benchbook more so than a statute book.

4 ATTORNEY VISHNY: Do you have a position on  
5 it?

6 ATTORNEY SCHNEIDER: I would move for  
7 cause, to strike for cause.

8 THE COURT: Here's my take, unless you say  
9 I want her on the panel.

10 ATTORNEY VISHNY: No, I don't. I think  
11 it's too close for comfort.

12 THE COURT: I don't want to give any reason  
13 for there to be an issue. Okay? We're fine with  
14 that.

15 (Ms. O'Brien enters.)

16 THE COURT: Miss O'Brien, we have some  
17 questions for you. And have you had -- do you -- did  
18 you have any trouble remembering the questions that  
19 we've asked today up to this point?

20 JUROR O'BRIEN: They're all kind of a blur,  
21 but I think I've got them all.

22 THE COURT: Okay. So let me first ask, and  
23 then I'll ask some of the specifics. Is there any  
24 question that you recall us asking that jumped out at  
25 you that you said, oh, I need to -- I need to make

1           sure that I'd answer that one?

2                   JUROR O'BRIEN: Well in your question  
3           regarding firearms, my husband did collect guns. He  
4           passed away in June. I've been working with Fox  
5           Valley Firearms to sell them, so the majority of them  
6           are out of the house.

7                   THE COURT: And do you have any strong  
8           positions one way or the other as it relates to --

9                   JUROR O'BRIEN: I don't like them, but  
10          that's why I'm getting rid of them.

11                  THE COURT: Got it. And is it safe to  
12          assume then that you did not shoot the guns?

13                  JUROR O'BRIEN: That's true.

14                  THE COURT: Okay. Now I had also asked  
15          about whether or not you had any friends or family or  
16          close acquaintances who were involved in law  
17          enforcement.

18                  JUROR O'BRIEN: No.

19                  THE COURT: Did you recognize any of the  
20          names of either the attorneys or the witnesses?

21                  JUROR O'BRIEN: Just Carrie Schneider.

22                  THE COURT: Okay. And how do you know Miss  
23          Schneider?

24                  JUROR O'BRIEN: I don't know her, I just  
25          know the name.

1 THE COURT: Okay. All right. And, now,  
2 have you ever been a victim of a crime?

3 JUROR O'BRIEN: No.

4 THE COURT: Have you -- obviously we've  
5 talked about this case involves the Luna Lounge and  
6 that's where this took place, and there has been some  
7 media coverage of it at various points, and do you  
8 recall any of the media coverage on it?

9 JUROR O'BRIEN: No.

10 THE COURT: Okay. Are you familiar with  
11 the Luna Lounge?

12 JUROR O'BRIEN: I know where it was.

13 THE COURT: Okay. I take it based on that  
14 answer that you were not a regular frequenter?

15 JUROR O'BRIEN: No. I never went there but  
16 I knew where it was.

17 THE COURT: Okay. Now, do you -- do you  
18 feel that if you were selected to be on this jury  
19 that you could be fair and impartial?

20 JUROR O'BRIEN: Yes.

21 THE COURT: Okay. Ultimately, if you were  
22 asked to be on this jury, you would be asked to  
23 ultimately partake in a decision which would  
24 ultimately be either a decision of guilty or not  
25 guilty, and do you feel that you would be able to --

1 to make such a decision?

2 JUROR O'BRIEN: Yes.

3 THE COURT: Okay. There were some -- I'm  
4 going to let you ask your questions.

5 ATTORNEY SCHNEIDER: Do you have anything,  
6 Miss O'Brien, we kind of already laid out the primers  
7 this week, next week, but then it may spill over to  
8 the following. Do you have anything personal or work  
9 schedule that we should know about or that might  
10 cause you concern?

11 JUROR O'BRIEN: Just regular work schedule,  
12 but the weekend of the 11th and 12th I have a retreat  
13 I was supposed to go to.

14 ATTORNEY SCHNEIDER: When would you need to  
15 leave for that? We'll be done by then.

16 THE COURT: We won't go into the weekend.

17 ATTORNEY SCHNEIDER: Would you leave  
18 Friday?

19 JUROR O'BRIEN: It's a Thursday and a  
20 Friday, like the 11th and 12th.

21 ATTORNEY SCHNEIDER: So you're not  
22 available on Thursday the 11th or Friday the 12th?

23 JUROR O'BRIEN: It was like a Thursday,  
24 Friday, Saturday.

25 ATTORNEY SCHNEIDER: Okay. Have you ever

1           served on a jury before?

2                   JUROR O'BRIEN:   Yes.

3                   ATTORNEY SCHNEIDER:   When?

4                   JUROR O'BRIEN:   I have no idea.   It was  
5           here a few years ago.   It was for like a bar fight,  
6           but I don't -- I don't remember the timing.

7                   ATTORNEY SCHNEIDER:   Did the jury come back  
8           with a verdict?

9                   JUROR O'BRIEN:   Yes, but I honestly don't  
10          remember what it was.

11                   ATTORNEY SCHNEIDER:   Okay.   That's okay.  
12          Family, friends employed in law enforcement at all?

13                   JUROR O'BRIEN:   No.

14                   ATTORNEY SCHNEIDER:   Ever visit Sharks Pool  
15          Hall?

16                   JUROR O'BRIEN:   No.

17                   ATTORNEY SCHNEIDER:   Ever work at a bar?

18                   JUROR O'BRIEN:   No.

19                   ATTORNEY SCHNEIDER:   Security at any type  
20          of business?

21                   JUROR O'BRIEN:   No.

22                   ATTORNEY SCHNEIDER:   Have you or are you  
23          familiar or did you watch any of the Netflix series  
24          that we talked about?

25                   JUROR O'BRIEN:   No.   I'm familiar with it

1 just via the news but not the Netflix series.

2 ATTORNEY SCHNEIDER: Was that a personal  
3 choice not to watch it?

4 JUROR O'BRIEN: I had no desire to watch  
5 it.

6 ATTORNEY SCHNEIDER: Could you give up  
7 reading the paper or watching the news?

8 JUROR O'BRIEN: Absolutely. I don't do it  
9 now so -- I watch the weather and that's about it.

10 ATTORNEY SCHNEIDER: He'd probably allow  
11 you to watch The Weather Channel for your weather.

12 Family member, friend or yourself charged with a  
13 crime or you have any thoughts or want to share  
14 anything?

15 JUROR O'BRIEN: My brother is currently in  
16 prison for more drug related crime.

17 ATTORNEY SCHNEIDER: Is it something where  
18 you had to participate?

19 JUROR O'BRIEN: No.

20 ATTORNEY SCHNEIDER: Or attend? Is it  
21 something, having that as a life experience, going to  
22 cause you any concern?

23 JUROR O'BRIEN: No.

24 ATTORNEY SCHNEIDER: Okay. Ever call 911?

25 JUROR O'BRIEN: I think so. I was in a car

1 accident in a blizzard. I think I dialed 911 just to  
2 report it.

3 ATTORNEY SCHNEIDER: Okay. Ever been a  
4 witness where you had to give statements to law  
5 enforcement?

6 JUROR O'BRIEN: Un-hun.

7 ATTORNEY SCHNEIDER: Do you have a Facebook  
8 account?

9 JUROR O'BRIEN: I do.

10 ATTORNEY SCHNEIDER: Did you ever ask  
11 anybody to deactivate it or take it down for you?

12 JUROR O'BRIEN: No.

13 ATTORNEY SCHNEIDER: Ever donate time or  
14 volunteer at any of the crime prevention programs we  
15 have in the community?

16 JUROR O'BRIEN: I do a lot of volunteering  
17 through my church, and we do reach out sometimes to  
18 those facilities, but not --

19 ATTORNEY SCHNEIDER: Kind of an indirect --

20 JUROR O'BRIEN: Not regular.

21 ATTORNEY SCHNEIDER: Indirect back to those  
22 programs. I don't have anything else then.

23 ATTORNEY VISHNY: I'm gathering you haven't  
24 read or heard about this case before coming in here  
25 today, you didn't know anything about it?

1 JUROR O'BRIEN: No.

2 ATTORNEY VISHNY: Okay.

3 JUROR O'BRIEN: I mean I've heard of things  
4 that had happened at Luna Lounge, but I don't  
5 remember this one.

6 ATTORNEY VISHNY: All right. Nothing  
7 further.

8 THE COURT: All right. Thank you very  
9 much.

10 (Ms. O'Brien exits.)

11 (In open court.)

12 THE COURT: I appreciate everyone's  
13 patience. Hopefully you were able to get a little  
14 bit of a stretching break.

15 At this time, Mr. Keleske, I would like to thank  
16 you for your service, sir. Your duty is completed,  
17 and again, I appreciate it. So you are excused at  
18 this time. I should mention, however, it's my  
19 understanding, and some of you may have gone out into  
20 the parking lot and seen this, my understanding is  
21 that if you parked on the street there is a  
22 possibility that the Appleton city has ticketed you.  
23 Please bring those tickets in and the County will  
24 take care of those. What we will need -- the only  
25 thing we'll need to have you do, bring those down to



1 the clerk's office, all we'll need to do is make sure  
2 you have your name on the ticket so that we can  
3 correspond it with our jury list. So don't panic on  
4 that, County will take care of those. And my  
5 apologies for that inconvenience.

6 But there again, Mr. Keleske, thank you for your  
7 service.

8 JUROR KELESKE: Thank you, Your Honor.

9 THE COURT: No. 6775, Bridget Plamann. If  
10 you would take his seat please.

11 Miss Giesen, likewise, you are excused. I thank  
12 you for your service today.

13 JUROR GIESEN: Thank you.

14 THE CLERK: No. 7209, Samantha Stockwell;  
15 No. 6984, Victoria O'Brien.

16 THE COURT: And, Miss Blom, likewise, you  
17 are excused today. Thank you for your service.

18 Attorney Schneider, my understanding is that you  
19 have completed your voir dire; is that correct?

20 ATTORNEY SCHNEIDER: It is, Your Honor.  
21 Thank you very much.

22 THE COURT: And with that then, Attorney  
23 Vishny, whenever -- whenever you are ready.

24 ATTORNEY VISHNY: I'm ready, Judge. Thank  
25 you.

1 THE COURT: Very good.

2 While Attorney Vishny is walking to the podium,  
3 I know we're getting late in the day but I would ask  
4 that to the best of your ability try to talk loudly  
5 because I don't want to get reprimanded by my court  
6 reporter.

7 ATTORNEY VISHNY: Sorry. I'm just too  
8 short to stand behind that.

9 All right. I know it's been a long day, and I'm  
10 sorry because unfortunately the rules say I have to  
11 go last. And I don't really want to keep you here  
12 any -- anybody here longer than necessary, but I do  
13 have a number of questions I want to ask so let's  
14 just start with the easy ones.

15 Does anybody here have a hobby of photography?  
16 If you do, just raise your hand.

17 (No response.)

18 ATTORNEY VISHNY: Okay. Apparently not.  
19 Either that or you're like super shy now that I've  
20 gotten up here.

21 All right. And then I'm going to just ask one  
22 more question that may seem a little odd, but who  
23 watched the Super Bowl? All right. I probably  
24 should say who didn't watch the Super Bowl.

25 But what I really want to ask about is the

1           halftime show. Who watched the halftime show? Okay.

2           And who hated the halftime show? Okay.

3           So that's Miss Elbe, you hated the halftime  
4           show.

5                       JUROR ELBE: Yes.

6                       ATTORNEY VISHNY: Why did you hate it?

7                       JUROR ELBE: Because of the fact that when  
8           they brought on that halftime show, I did not like  
9           their dress that they came out in.

10                      ATTORNEY VISHNY: Are you talking about  
11           Beyonce in particular?

12                      JUROR ELBE: Yes.

13                      ATTORNEY VISHNY: Because?

14                      JUROR ELBE: Because of the fact that we  
15           have younger children that watch these things and I  
16           just didn't feel it appropriate.

17                      ATTORNEY VISHNY: So it was like too sexy?

18                      JUROR ELBE: Yes.

19                      ATTORNEY VISHNY: Is that all right if I  
20           use that word?

21                      JUROR ELBE: You can use that word.

22                      ATTORNEY VISHNY: Too -- she should have  
23           had more clothes on?

24                      JUROR ELBE: That's right. Because of  
25           young -- young people that are watching this. It was

1           just not correct.

2                   THE COURT:   Okay.

3                   ATTORNEY VISHNY:   Okay.   Is that the only  
4           thing that bothered you about it?

5                   JUROR ELBE:   Yeah, really.

6                   ATTORNEY VISHNY:   How about somebody else?  
7           Who else really didn't like the halftime show?

8                   Okay.   That's in the back.   I think your name is  
9           Miss Dey if I remember correctly.

10                   JUROR DEY:   Yup.

11                   ATTORNEY VISHNY:   Miss Dey, why didn't you  
12           like the halftime show?

13                   JUROR DEY:   Just couldn't understand it,  
14           the words and stuff.   I mean, it was --

15                   ATTORNEY VISHNY:   The music just wasn't  
16           clear enough.   Okay.

17                   How about the dancing and the other parts?

18                   JUROR DEY:   I didn't really pay  
19           attention.

20                   ATTORNEY VISHNY:   Anybody else hate the  
21           halftime show at all?   Or felt offended by it in any  
22           way?

23                   (No response.)

24                   ATTORNEY VISHNY:   Okay.   All right.

25                   Now I'm just going to go right into who has ever

1 had a time in their life where you had to judge if  
2 somebody is telling the truth or not?

3 (No response.)

4 ATTORNEY VISHNY: All right. Has anybody  
5 -- and maybe -- I mean I'll be very surprised if  
6 people don't raise their hands. Has anyone ever had  
7 a time where they haven't had to judge if someone is  
8 telling the truth? Maybe I should put it that way.

9 Okay. So I'm not going to go down row by row  
10 because I think that's a little much. I'm going to  
11 ask different people.

12 Mr. Nieman. Did I get that right.

13 JUROR NIEMAN: (Nodding.)

14 ATTORNEY VISHNY: Mr. Nieman, tell me about  
15 how you've been able to determine or decide if  
16 somebody is telling you the truth or not.

17 JUROR NIEMAN: Maybe hearing it from  
18 somebody else too, the same story, and stories don't  
19 line up.

20 ATTORNEY VISHNY: Their stories don't line  
21 up is something important.

22 I'm going to ask you all to speak a little bit  
23 loud because, you know, I did survive the rock music  
24 era in the '60s and '70s, and I do have an iPod so I  
25 probably need you to talk a little bit louder.

1                   So you want to see if their stories line up or  
2                   not.

3                   JUROR NIEMAN: Yeah.

4                   ATTORNEY VISHNY: Well what if they do line  
5                   up, what do you think then?

6                   JUROR NIEMAN: Well, I mean, maybe the body  
7                   language or how they told it.

8                   ATTORNEY VISHNY: I'm sorry?

9                   JUROR NIEMAN: Maybe their body language  
10                  and how they say it.

11                  ATTORNEY VISHNY: But if they don't line  
12                  up, does that cause you to have some concerns?

13                  JUROR NIEMAN: Yes.

14                  ATTORNEY VISHNY: What about you, Mr. Buza,  
15                  what do you think about that?

16                  JUROR BUZA: I look for body language also,  
17                  and the eyes and the mannerisms, you kind of, you  
18                  know, weigh things out, I guess, in your mind from  
19                  what you hear and what you see.

20                  ATTORNEY VISHNY: All right. What about  
21                  you, Miss Lee, what do you think?

22                  JUROR LEE: Well, I know I can't lie  
23                  because I look like a deer in headlights, but I just  
24                  had a situation yesterday where I -- I caught a girl  
25                  lying to me, and I -- I -- to be honest with you, she

1 was oblivious to the fact that she was lying.

2 ATTORNEY VISHNY: You mean she was lying  
3 and she didn't even know it?

4 JUROR LEE: She didn't think -- she didn't  
5 think that I knew is what it was.

6 ATTORNEY VISHNY: So how were you able to  
7 tell she was lying?

8 JUROR LEE: Body language.

9 ATTORNEY VISHNY: All right.  
10 And what about you, Mr. Maas, how do you tell?

11 JUROR MAAS: Same way. Body language.

12 ATTORNEY VISHNY: Okay. What about if  
13 people change their story? How important is that to  
14 you?

15 JUROR MAAS: Well, I'd want to hear both  
16 sides of the story and how they changed it.

17 ATTORNEY VISHNY: Okay. Well, what if, you  
18 know, one day somebody says well A happened and gives  
19 you all the details about A, and the next day they  
20 say B happened and they give you all the details  
21 about B. How does that impact on what you think?

22 JUROR MAAS: It all depends if it all lines  
23 up or not.

24 ATTORNEY VISHNY: Okay. What about you,  
25 Mr. Eggers?

1 JUROR EGGERS: Eye contact is a big one  
2 with me.

3 ATTORNEY VISHNY: I'm sorry?

4 JUROR EGGERS: Eye contact is a big one  
5 with me.

6 ATTORNEY VISHNY: So if people look them in  
7 the eye, you tend to find them believable, is that  
8 what you're saying? Because I'm not sure what it  
9 means.

10 JUROR EGGERS: When someone's lying I can  
11 kind of get the feeling they're lying is because they  
12 look away from you, they look away.

13 ATTORNEY VISHNY: All right.

14 JUROR EGGERS: And then go back to you and  
15 talk to you and then they look away from 'ya. That's  
16 how I feel I can tell.

17 ATTORNEY VISHNY: What about the substance  
18 of what they say, their actual story, what if their  
19 stories change over time? How do you feel about  
20 that?

21 JUROR EGGERS: If I get that opportunity,  
22 if I can remember that -- which way he said it the  
23 first time compared to the second time.

24 ATTORNEY VISHNY: Okay.

25 What about you, Mr. Calmes, what do you -- how



1 do you tell if somebody is telling the truth or not?

2 JUROR CALMES: Reaction, really, how  
3 they're telling the story. If it sounds believable.  
4 If it's not believable. I mean obviously eye contact  
5 is big.

6 ATTORNEY VISHNY: Who thinks it's important  
7 that somebody's story make sense? Okay. How can you  
8 tell if a story doesn't make sense?

9 Mr. Bloomer, was that your name?

10 JUROR BLOOMER: Well, I -- I draw on my own  
11 life experiences a lot of times, and if somebody says  
12 something that just doesn't -- doesn't add up for me,  
13 you know, I could be wrong in my judgment. If they  
14 say something that just doesn't add up, then you  
15 check the facts, you know, check the facts. I try to  
16 hold back on the actual judgment itself until I feel  
17 I have the facts.

18 ATTORNEY VISHNY: Okay. What about you,  
19 Mr. Green?

20 JUROR GREEN: Same thing.

21 ATTORNEY VISHNY: Now you really have to  
22 talk louder.

23 JUROR GREEN: I'm sorry. Pretty much the  
24 like the same thing he said, you want to hear  
25 everything and then you just, you know, if it's

1           believable or not.

2                   ATTORNEY VISHNY: All right. Has anybody  
3           ever been in a situation where you thought somebody  
4           was not telling the truth and then later you found  
5           out they were telling the truth? Has anyone -- has  
6           that ever happened where first you said, oh, my God,  
7           this person is so lying, and then later on you find  
8           out they are telling you the truth? Has anyone ever  
9           experienced that? If you have, raise your hand.

10                  Yes. Okay. Mr. Buza, you've experienced that?  
11           Can you -- how did you feel about the fact that your  
12           first take on it was not accurate?

13                  JUROR BUZA: Pretty low. Pretty cheap, I  
14           guess. Rush to judgment.

15                  ATTORNEY VISHNY: Rush to judgment. And  
16           has anybody else felt that they were in a situation  
17           like that where you rushed to judgment about  
18           something?

19                  Yes? That's Miss Elbe?

20                  JUROR ELBE: Um-hum.

21                  ATTORNEY VISHNY: How did you feel in that  
22           particular situation?

23                  JUROR ELBE: Very sad and apologetic.

24                  ATTORNEY VISHNY: All right. How did you  
25           happen to find out that you were wrong?

1 JUROR ELBE: They're twins.

2 ATTORNEY VISHNY: Got you. Anybody else in  
3 the front row here?

4 (No response.)

5 ATTORNEY VISHNY: We'll take the next row.  
6 Anybody else in the next row have that experience?

7 (No response.)

8 ATTORNEY VISHNY: What about the -- I know  
9 I saw more hands out there. Like I -- I don't  
10 memorize them, but I did see them in this row over  
11 here, the row that begins with, oh, my gosh, I'm  
12 forgetting your name, sir.

13 JUROR FLEMING: Fleming, Steve Fleming.

14 ATTORNEY VISHNY: That's it. The row that  
15 starts with Mr. Fleming and ends with Mr. Eggers I  
16 think. Anybody there? Any of you folks ever had  
17 that situation?

18 (No response.)

19 ATTORNEY VISHNY: And the back row? It  
20 looks to me like Mr. Parker?

21 JUROR PARKER: Well I got to use my kids  
22 and my grandkids as an example. Same thing, right  
23 away you think they're not telling you the truth but  
24 really shocked you when you find out that they are  
25 but then you really feel bad about it afterwards.

1 Rush to judgment, especially your kids.

2 ATTORNEY VISHNY: Anybody else?

3 (No response.)

4 ATTORNEY VISHNY: What about -- how are you  
5 going to decide in a criminal trial if a witness is  
6 telling the truth or not?

7 (No response.)

8 ATTORNEY VISHNY: Okay. Let's take it out  
9 of our lives as parents and supervisors and friends  
10 or frenemies or whatever we are and just kind of get  
11 into the situation you may be called on, how are you  
12 going to decide if somebody is being truthful or not.

13 Miss Elbe?

14 JUROR ELBE: My thought is always to pay  
15 attention, to listen both ways, because everything  
16 has more than one side, and you need to have both  
17 sides and you need to weigh those sides and listen to  
18 what's being said.

19 ATTORNEY VISHNY: What about you, Miss  
20 Erickson?

21 JUROR ERICKSON: It is a hard one, isn't  
22 it, to decide, but all you can do is just be -- be  
23 what we're there to be, pay attention and to hear out  
24 both sides of the story.

25 ATTORNEY VISHNY: Okay. Mr. Shea, what

1 about you?

2 JUROR SHEA: Repeat the question please?

3 ATTORNEY VISHNY: Yeah. How are you going  
4 to decide in a criminal trial whether -- there's  
5 going to be a lot of witnesses who come and testify,  
6 and you're going to have to make a decision are they  
7 telling the truth or not. How are you going to  
8 decide that?

9 JUROR SHEA: I guess you look in their  
10 background and look at if -- which side there're on  
11 and what's to be gained.

12 ATTORNEY VISHNY: Okay. What if you don't  
13 know anything about their background, I mean other  
14 than that they came in to testify?

15 JUROR SHEA: I would assume you're going to  
16 give us some idea of a witness's background.

17 ATTORNEY VISHNY: Okay. All right. What  
18 about you, Mr. Webster?

19 JUROR WEBSTER: I think that if it's caught  
20 on camera that something happened, what we have to  
21 look at.

22 ATTORNEY VISHNY: Okay. So what a camera  
23 shows is very important to you.

24 JUROR WEBSTER: Yes.

25 ATTORNEY VISHNY: Sometimes things aren't

1 on camera and we just have to rely on people's word  
2 about what they think they saw.

3 JUROR WEBSTER: Listen to both  
4 directions.

5 ATTORNEY VISHNY: Okay. What about you,  
6 Miss Meyer?

7 JUROR MEYER: Listen to the details and try  
8 to piece together what went on that night.

9 ATTORNEY VISHNY: How important is it to  
10 you that a witness might have an interest in what  
11 happens here, like they care about the outcome of the  
12 trial?

13 JUROR O'BRIEN: Very important.

14 ATTORNEY VISHNY: Very important you're  
15 saying, and just for the record, that's Miss O'Brien,  
16 right?

17 JUROR O'BRIEN: Right.

18 ATTORNEY VISHNY: Okay. Why is that very  
19 important to you, Miss O'Brien?

20 JUROR O'BRIEN: That the witness care about  
21 their testimony?

22 ATTORNEY VISHNY: Or care about how the  
23 trial comes out.

24 JUROR O'BRIEN: I mean if they're called to  
25 witness it or they saw it, then it is -- it should be

1           important to them to see how it out comes because  
2           they're a part of it.

3                   ATTORNEY VISHNY:   Okay.   How about when a  
4           witness is originally a suspect in a case and manages  
5           to get themselves out of being a suspect and into  
6           being a witness, how do you judge whether you're  
7           going to believe their testimony or not?   Does  
8           everyone understand my question?

9                   Okay.   Are you Mr. Nichols?

10                   JUROR NICHOLS:   Yes.

11                   ATTORNEY VISHNY:   Mr. Nichols.

12                   JUROR NICHOLS:   Try and go by the evidence,  
13           the details that's by scientific evidence, video  
14           camera, fingerprints, stuff like that may go through.  
15           And as I recall at the beginning of an investigation  
16           isn't pretty much everyone a suspect, so it could be  
17           or could not be character.

18                   ATTORNEY VISHNY:   Do you think that's fair  
19           that in the beginning everyone is a suspect?

20                   JUROR NICHOLS:   Yes.

21                   ATTORNEY VISHNY:   Does anyone disagree with  
22           Mr. Nichols about that, that everyone can be a  
23           suspect in the beginning of an investigation?

24                   All right.   Let's ask some other people's  
25           opinion.   What about you -- is it Plamann?

1 JUROR PLAMANN: Plamann.

2 ATTORNEY VISHNY: I wasn't sure if it was  
3 Plamann or Plamann. What is your feeling about that  
4 if somebody is initially a suspect and then later  
5 claims, no, I saw somebody else commit the crime.  
6 What do you think about that?

7 JUROR PLAMANN: I feel if -- if everybody  
8 is being looked at equally and asked questions and  
9 given a chance to discuss and share their side and  
10 then the evidence doesn't present itself that they  
11 continue to be part of that suspect pool due to the  
12 job that's done by investigators, attorneys, lawyers,  
13 as evidence presents itself. I don't have a problem  
14 with that because I feel it would be better to have  
15 evenly asked the questions and put everybody in the  
16 same playing field and then it's okay to rule out  
17 based on the findings.

18 ATTORNEY VISHNY: Okay. Thank you.

19 Mr. Wells, what do you think about that?

20 JUROR WELLS: Could you repeat the question  
21 please?

22 ATTORNEY VISHNY: Yeah. If somebody starts  
23 out -- somebody is being questioned as being a  
24 suspect and then they give statements that get  
25 themselves to no longer being a suspect, how do you



1           feel about that, about whether you're going to find  
2           them truthful, not truthful? I mean what are you  
3           going to use to decide?

4                   JUROR WELLS: The evidence, kind of judge  
5           if they're -- I guess everybody -- if all the other  
6           stories line up.

7                   ATTORNEY VISHNY: Okay. How many people  
8           think it's important if witnesses have had chances to  
9           talk to other witnesses before they give their  
10          statements to the police? Does that raise suspicions  
11          or concerns for anybody?

12                   JUROR LEE: Um-hum.

13                   ATTORNEY VISHNY: Yes, it does?

14                   Okay. Why is that, Miss Lee, that that raises  
15          -- I think you --

16                   JUROR LEE: Well, I think they could be  
17          talking amongst themselves and trying to put a story  
18          together as to what's going to benefit them or the  
19          person on trial and try to get their stories straight  
20          so they all line up.

21                   ATTORNEY VISHNY: Okay. Mr. Green, you  
22          nodded for that?

23                   JUROR GREEN: Yeah. Pretty much the same  
24          thing too. Seeing if their stories match up or  
25          not.

1 ATTORNEY VISHNY: Okay. Miss Micke?

2 JUROR MICKE: Um-hum.

3 ATTORNEY VISHNY: I haven't had a chance to  
4 talk to you. Is that something that concerns you at  
5 all?

6 JUROR MICKE: Yes. For the same reasons.

7 ATTORNEY VISHNY: For the same reason,  
8 which is?

9 JUROR MICKE: That they should -- by them  
10 being able to talk to one another they can  
11 collaborate, I mean, what they get out of it.

12 ATTORNEY VISHNY: Okay. Sometimes  
13 witnesses lie to the police in the beginning and then  
14 later tell the truth. If somebody lies to the  
15 police, how does that affect whether or not you would  
16 believe them as a witness in the trial? How does  
17 that impact your thinking?

18 Miss Steffen. Did I get that right?

19 JUROR STEFFEN: Yes.

20 ATTORNEY VISHNY: How does that impact your  
21 thinking?

22 JUROR STEFFEN: If -- repeat that.

23 ATTORNEY VISHNY: If a witness lies to the  
24 police and says I wasn't there, don't know anything  
25 about it, you know, at first, and it's not true,

1           okay?

2                       JUROR STEFFEN: To me I'd be a little  
3           suspicious about that. They're being dishonest right  
4           away, you know, how reliable is their testimony.

5                       ATTORNEY VISHNY: Okay.

6                       JUROR STEFFEN: I don't think I'd trust  
7           them as much.

8                       ATTORNEY VISHNY: All right. What about  
9           you, Miss Hermus?

10                      JUROR HERMUS: I guess I would be  
11           suspicious too, but, you know, when something happens  
12           everybody is afraid, they're scared, you know, and  
13           maybe that's why they didn't tell the truth in the  
14           first place.

15                      ATTORNEY VISHNY: Okay. Does -- is there  
16           anybody who it doesn't bother?

17                      (No response.)

18                      ATTORNEY VISHNY: Let's flip it, you know,  
19           who would say I don't care about that or is that an  
20           issue of concern for everybody?

21                      What about you, Miss Paul?

22                      JUROR PAUL: Say it again. Please.

23                      ATTORNEY VISHNY: If a person lies at first  
24           to the police, you know, claims they weren't there in  
25           a certain place, you know, where a crime happened but

1 in fact they were near where the crime happened, does  
2 that concern you whether or not you're going to  
3 believe them in court?

4 JUROR PAUL: Yeah. It makes them look like  
5 a liar and you don't believe that they're going to  
6 tell the truth in court.

7 ATTORNEY VISHNY: Okay. One minute please.  
8 I haven't talked to some of the people in the back.

9 Mr. Van Deurzen, why don't I ask you. How do  
10 you decide if people are telling the truth or not?

11 JUROR VAN DEURZEN: I usually can tell by  
12 body language I think.

13 ATTORNEY VISHNY: What about changing the  
14 story, how important is that to you?

15 JUROR VAN DEURZEN: That's important, makes  
16 them less reliable.

17 ATTORNEY VISHNY: Okay. What about if  
18 somebody is a suspect in the beginning, does that  
19 impact on whether you think that you'll believe them  
20 or not?

21 JUROR VAN DEURZEN: Not necessarily.

22 ATTORNEY VISHNY: Okay. Mr. Schueller,  
23 what about you?

24 JUROR SCHUELLER: Which question are we  
25 asking?

1                   ATTORNEY VISHNY: I guess I'm going to ask  
2                   how do you decide if somebody is being truthful or  
3                   not.

4                   JUROR SCHUELLER: I would take all the  
5                   evidence, whether it just be them or the other  
6                   stories, combine them all and then see what makes  
7                   sense of it.

8                   ATTORNEY VISHNY: And if they're a suspect  
9                   is that important to you or not?

10                  JUROR SCHUELLER: I guess yes and no. No,  
11                  it wouldn't affect my thought process because as we  
12                  said before, everyone is a suspect, so no.

13                  ATTORNEY VISHNY: Okay. How about you, Mr.  
14                  Van Dalen? Did I get that right?

15                  JUROR VAN DALEN: Van Dalen. Same  
16                  question, how --

17                  ATTORNEY VISHNY: Yes.

18                  JUROR VAN DALEN: I'd say eye contact, body  
19                  language, whether their story makes sense or not,  
20                  collaborates with the other story that's being told.

21                  ATTORNEY VISHNY: How many people here  
22                  think that the police are better than ordinary people  
23                  at telling -- at making decisions about who's telling  
24                  the truth or not?

25                  Okay. Does anybody think the police are

1 better or that they're kind of, it's a level playing  
2 field, us as regular people have about the same  
3 ability to say if somebody is being truthful or not.

4 Okay. Miss Steffen?

5 JUROR STEFFEN: I kind of think they can  
6 read body language a lot better than we. They're  
7 trained for that.

8 ATTORNEY VISHNY: Okay. Yes. Mr. Shea?

9 JUROR SHEA: They have more training. It's  
10 like I as a teacher, I feel like I -- I'm better at  
11 reading people. I would think they have more  
12 experience.

13 ATTORNEY VISHNY: Okay. Now, I guess what  
14 I want to ask kind of to follow up on that is -- I  
15 guess I lost my thought.

16 How many of you have ever felt that a police  
17 officer has made a judgment and made an arrest but  
18 that they are wrong about it? Has anybody ever  
19 encountered a situation like that, where you think  
20 police did -- made an arrest and they were wrong?

21 Yes? Miss Elbe?

22 JUROR ELBE: Actually it happened to my  
23 grandson.

24 ATTORNEY VISHNY: Okay.

25 JUROR ELBE: And they did not believe what

1 he stated to them happened, and they went just like  
2 that, and a little while later another police officer  
3 came up and said to the other one you were in error.  
4 And he was --

5 ATTORNEY VISHNY: So I guess there were no  
6 really horrible consequences that occurred.

7 JUROR ELBE: No, not at that point, but  
8 there again, we don't have that truth. You're just  
9 assuming something happened, it wasn't right, you  
10 shouldn't be assuming that, you should have looked at  
11 the situation, figured it out, talked to that person  
12 and said, okay, we can look at this and see where  
13 we're at. Not just all of a sudden it's there, I'm  
14 making this major decision, which was in error.

15 ATTORNEY VISHNY: Thank you.

16 Mr. Nieman, what do you think about what Miss  
17 Elbe said?

18 JUROR NIEMAN: Can you repeat the question  
19 please?

20 ATTORNEY VISHNY: Well, she's talking about  
21 how, you know, she knows somebody who got arrested  
22 and it turned out to be a wrong decision and she  
23 thinks that more judgment should have been used, more  
24 investigation before that happened.

25 JUROR NIEMAN: I agree with what she said.

1                   ATTORNEY VISHNY: Okay. I'm going to ask a  
2 question that I think is a really difficult question.  
3 I'm going to ask each one of you to search deep  
4 inside when I ask this question, and I'm really -- I  
5 really want to know what your truthful answer is. So  
6 if you need a minute to think about it, and it's kind  
7 of even a scary question for me to ask, but I want to  
8 know what you're more worried about if you get picked  
9 for this jury. Are you more worried about letting a  
10 killer go or are you more worried about convicting an  
11 innocent person? Which one is the biggest concern  
12 for you?

13                   This might be the most important question I ask  
14 here. And I know that this -- that you didn't like  
15 wake up today and say, oh, my gosh, I want to be a  
16 juror on a murder trial, and you probably didn't  
17 think about it last week, but it's going to happen to  
18 some of you and I need to ask this question. Okay?  
19 And I think I'm going to ask this particular question  
20 what your responses are, so I might as well just  
21 start in the front.

22                   Miss Paul, what do you think?

23                   JUROR PAUL: I think I would be more  
24 worried about letting a killer go.

25                   ATTORNEY VISHNY: And why is that?



1 JUROR PAUL: Safety of others.

2 ATTORNEY VISHNY: Okay.

3 JUROR PAUL: Worrying that they're going to  
4 go kill someone else.

5 ATTORNEY VISHNY: Given that that worries  
6 you more, I mean you're going to hear if you're on  
7 this jury panel a lot of evidence, and the judge is  
8 going to tell you that you cannot find somebody  
9 guilty unless the prosecutor proves it beyond a  
10 reasonable doubt. Given that that's the law, and  
11 also given your concerns, how do you deal with that?  
12 I know. It's a tough question.

13 JUROR PAUL: It is. I have no clue how to  
14 answer it.

15 ATTORNEY VISHNY: Okay. I might come back  
16 to you, though, if that's okay.

17 Okay. Miss Naumann, what do you think?

18 JUROR NAUMANN: I would say having --  
19 finding an innocent person guilty.

20 ATTORNEY VISHNY: You're more concerned  
21 with that?

22 JUROR NAUMANN: Because you would ruin  
23 their life, you know, forever.

24 ATTORNEY VISHNY: All right. Fair  
25 enough.

1 JUROR NAUMANN: And I just say that if he  
2 were guilty and you let them go that they would do  
3 anything again, but if they were innocent and then  
4 they were confined, their whole life would be  
5 ruined.

6 ATTORNEY VISHNY: Okay. What about you,  
7 Miss Elbe?

8 JUROR ELBE: Same thing. Same thing.  
9 Innocent -- if they're innocent and you say, oh, my  
10 gosh, you know, we're putting him off to jail or  
11 whatever and this person is innocent, that's a lot to  
12 live with that that person is going to be in jail or  
13 whatever for their lifetime.

14 ATTORNEY VISHNY: Okay. Mr. Buza.

15 JUROR BUZA: I'm going to say the same  
16 thing.

17 ATTORNEY VISHNY: So you're more concerned  
18 about convicting an innocent person.

19 JUROR BUZA: Yup.

20 ATTORNEY VISHNY: Okay.

21 JUROR VANDENBERG: I agree with those three  
22 people.

23 ATTORNEY VISHNY: So that's the side you  
24 come down on? I know your name is Vander something.

25 JUROR VANDENBERG: Vandenberg.

1                   ATTORNEY VISHNY: I'm sorry. I sometimes  
2                   can't remember them all. So, okay.

3                   Miss Vandenberg, where are you -- where do you  
4                   fall on that question?

5                   JUROR VANDENBERG: Convicting someone who  
6                   is innocent.

7                   ATTORNEY VISHNY: You're more worried about  
8                   that.

9                   Miss Plamann, what about you?

10                  JUROR PLAMANN: Convicting someone who is  
11                  innocent.

12                  ATTORNEY VISHNY: All right. And you don't  
13                  all have to think alike, I just want to make sure,  
14                  like everything we've already said, there is no right  
15                  or wrong answers here, the only wrong answer is to  
16                  not tell what you're really thinking. We're not  
17                  judging anybody.

18                  Mr. Shea.

19                  JUROR SHEA: Convicting an innocent  
20                  person.

21                  ATTORNEY VISHNY: Okay. Wow. I know I'm  
22                  going to get your name. I know it.

23                  JUROR ERICKSON: Erickson.

24                  ATTORNEY VISHNY: Erickson. Don't let me  
25                  waste your time. Miss Erickson. Which concerns you

1 more?

2 JUROR ERICKSON: Innocence.

3 ATTORNEY VISHNY: And what about you, Miss  
4 Lee?

5 JUROR LEE: You know, it's kind of a toss  
6 up. My stomach just turns because I don't want to  
7 convict someone who is innocent, but I also don't  
8 want a killer out on the street.

9 ATTORNEY VISHNY: Right.

10 JUROR LEE: I mean, as a mother, I sure  
11 don't want a killer out there; as a citizen, I don't  
12 want to put somebody away because he shouldn't be, so  
13 I -- I don't know if there is a right answer there  
14 for you.

15 ATTORNEY VISHNY: Okay. And again, given  
16 that the judge has to -- you know, that you have to  
17 make this decision beyond a reasonable doubt, in  
18 other words, you know, somebody sitting over here at  
19 the table doesn't have to prove their innocence.  
20 Okay? Really the State has to prove it beyond a  
21 reasonable doubt. Does that trouble you given kind  
22 of your 50/50 thoughts on that?

23 JUROR LEE: Well, you know, I don't know, I  
24 -- I hear -- so many times you hear things on media  
25 but then you hear none of that stuff in the

1 courtroom, it's very confusing, and being that this  
2 is my first trial ever, I just -- I really don't know  
3 if there is a right answer.

4 ATTORNEY VISHNY: Okay. All right. Thank  
5 you for sharing that with us.

6 Mr. Green.

7 JUROR GREEN: I'd probably have to say the  
8 same thing as her. I don't know what there is, but  
9 if I had to tell you the truth, I wouldn't want to  
10 see a killer let go.

11 ATTORNEY VISHNY: That concerns you more.  
12 I think the court reporter is having a hard time  
13 hearing you. Can you --

14 JUROR GREEN: I'm just saying that, you  
15 know, if that person were to go out and kill again,  
16 it would probably weigh more on me than if he went to  
17 jail. Just my opinion.

18 ATTORNEY VISHNY: Than an innocent person  
19 was convicted of something they didn't do?

20 JUROR GREEN: Yes.

21 ATTORNEY VISHNY: And again, I'm going to  
22 ask that question for you. You know, the law says it  
23 has to be proven to you beyond a reasonable doubt,  
24 and so you're in the jury room and you're not a  
25 hundred percent positive but you're also really

1           worried about what if I letter a killer go. How are  
2           you going to reconcile that?

3                   JUROR GREEN: I'm not sure on that.

4                   ATTORNEY VISHNY: That's fair.

5                   Mr. Bloomer.

6                   JUROR BLOOMER: I think that people are  
7           innocent until proven guilty, and so they -- you  
8           know, to me that's -- that's why I'm going to pay a  
9           lot of attention to what's happening because they are  
10          innocent until proven guilty.

11                  ATTORNEY VISHNY: Okay. So which one of  
12          these two things would concern you more, you know,  
13          when you're -- when you're in the jury room?

14                  JUROR BLOOMER: Putting away an innocent  
15          person.

16                  ATTORNEY VISHNY: Okay. Okay.

17                  Miss Micke?

18                  JUROR MICKE: Putting away an innocent  
19          person.

20                  ATTORNEY VISHNY: That's the greater  
21          concern to you?

22                  Mr. Nichols.

23                  JUROR NICHOLS: Letting a killer on the  
24          loose.

25                  ATTORNEY VISHNY: Okay. And again, when it

1 comes to that in the law beyond a reasonable doubt  
2 and the fact that you have to follow that jury  
3 instruction and you -- you know, what if you're --  
4 when you're sitting in a situation you think, you  
5 know what, I think this person probably did it but it  
6 hasn't been proven beyond a reasonable doubt, is the  
7 fact that you're concerned about potentially putting  
8 a killer back out there, something like that, is that  
9 a situation where you say, you know, I'm just going  
10 to have to go with my feelings of I'm too concerned  
11 about a killer being found not guilty?

12 JUROR NICHOLS: Actually, that was the  
13 reason why I chose that one because, as you said, you  
14 need without a reasonable doubt to convict, so if  
15 he's innocent by innocent, he should be proven  
16 innocent, where if he's convicted or if he was the  
17 killer, he should be found guilty. Having said that,  
18 the rules are rules, law is that without a reasonable  
19 doubt, so if he's found not guilty, he's found not  
20 guilty.

21 ATTORNEY VISHNY: Okay. And would you be  
22 worried, like, gee, I don't know if I could find this  
23 person not guilty because I think he might have done  
24 it but it just hasn't been, you know, I'm just not  
25 sure beyond a reasonable doubt so I think I better

1 vote guilty. Is that how you would be at all?

2 JUROR NICHOLS: If that's how it comes out  
3 in court, then he's found not guilty.

4 ATTORNEY VISHNY: And what -- how do you  
5 feel about you personally participating in that?

6 JUROR NICHOLS: Like I said, if that's what  
7 has to be done, that's what has to be done. If you  
8 guys -- like I said, if it's the way it's supposed to  
9 be done, if I have to vote not guilty, I have to vote  
10 not guilty.

11 ATTORNEY VISHNY: And I'm going to just ask  
12 another question. I'm going to come back around this  
13 with more people, but just kind of come up now, which  
14 is an accused person has an absolute right to not  
15 testify, and that could be very disturbing to people  
16 on a jury, you know, gee, I really want to hear him  
17 but he decides to not testify. Would that bother  
18 you?

19 JUROR NICHOLS: Not necessarily. Some  
20 people just don't really like speaking.

21 ATTORNEY VISHNY: Okay. All right. I'm  
22 coming back to that later because I want to finish  
23 this with everybody here.

24 Okay. Is it Stockwell?

25 JUROR STOCKWELL: Yes.



1                   ATTORNEY VISHNY: You came late up here so  
2                   I wasn't sure if I had your name right. All right.  
3                   Miss Stockwell. Going back to the original question,  
4                   which one are you more afraid of, you know, finding a  
5                   person who is a killer not guilty and what the  
6                   consequences of that could be or convicting an  
7                   innocent person?

8                   JUROR STOCKWELL: Maybe letting a murderer  
9                   go back out on the street not knowing if he's going  
10                  to do that same thing again.

11                  ATTORNEY VISHNY: Okay. And same question  
12                  comes to you then, the judge, you know, when he  
13                  instructs the jury is going to explain that the  
14                  prosecutor has to prove it beyond a reasonable doubt,  
15                  and that's why -- and, you know, and you have this  
16                  concern. So if you're sitting there and you say, you  
17                  know, I think he probably did it, I'm not sure if  
18                  it's beyond a reasonable doubt but I'm really  
19                  concerned about letting a killer go, you know, how  
20                  are you going to deal with that?

21                  JUROR STOCKWELL: Hopefully all the  
22                  evidence will say, yeah, he did it, then I can make  
23                  my --

24                  ATTORNEY VISHNY: Hopefully what?

25                  JUROR STOCKWELL: All the evidence will

1 say, yeah, he did it, and then I would be more  
2 comfortable like, okay, convicting him, say, yeah, he  
3 did it.

4 ATTORNEY VISHNY: Some things aren't that  
5 cut and dried though.

6 JUROR STOCKWELL: I know.

7 ATTORNEY VISHNY: So what if you have to  
8 deal with that situation, then how are you going to  
9 deal with it?

10 JUROR STOCKWELL: Probably just something I  
11 would have to deal with knowing I did this.

12 THE COURT: Miss O'Brien, same question,  
13 you know, about the -- and if you need to me to  
14 repeat the question, let me know.

15 JUROR O'BRIEN: Probably condemning an  
16 innocent person.

17 THE COURT: That's a bigger concern for  
18 you? Okay.

19 I'm going to go to the next row, start with Mr.  
20 Eggers. I'm kind of zigzagging.

21 JUROR EGGERS: Definitely letting a  
22 murderer back out on the street.

23 ATTORNEY VISHNY: Is a greater concern?

24 JUROR EGGERS: Because obviously the  
25 prosecution hasn't done its job.

1                   ATTORNEY VISHNY: Okay. And, you know, if  
2                   you feel that the -- you know, the law says you have  
3                   to find somebody guilty beyond a reasonable doubt, so  
4                   how do you handle that if you think someone has  
5                   probably done it or -- but it hasn't been proven  
6                   beyond a reasonable doubt and you're very concerned  
7                   about putting a killer back out on the street as you  
8                   said. How are you going to deal with that as a  
9                   juror?

10                  JUROR EGGERS: The evidence that has been  
11                  placed in front of basically all of us, I mean we can  
12                  all talk about it in the jury room.

13                  ATTORNEY VISHNY: Okay.

14                  JUROR EGGERS: And we come up with the best  
15                  scenario.

16                  ATTORNEY VISHNY: Okay. All right. Thank  
17                  you.

18                  Mr. Van Dalen.

19                  JUROR VAN DALEN: Dalen.

20                  ATTORNEY VISHNY: I knew I'd get something  
21                  wrong here. What about you?

22                  JUROR VAN DALEN: More concerned with  
23                  putting an innocent man away.

24                  ATTORNEY VISHNY: You're more concerned  
25                  about that. And why is that?

1 JUROR VAN DALEN: Because if through the  
2 trial we decide whether he was guilty or not, like  
3 you said, without a reasonable doubt, so I would feel  
4 confident I guess after having all the evidence on my  
5 decision. I would hate to see somebody that's  
6 innocent in jail for something they didn't do.

7 ATTORNEY VISHNY: Okay. Mr. Maas.

8 JUROR MAAS: I would say I'm kind of 50/50  
9 on it.

10 ATTORNEY VISHNY: Okay.

11 JUROR MAAS: I haven't seen the facts,  
12 haven't heard anything, but I would really hate to  
13 put an innocent --

14 ATTORNEY VISHNY: You would really hate to  
15 what?

16 JUROR MAAS: Put an innocent person away.

17 ATTORNEY VISHNY: And we don't talk about  
18 the facts in jury selection, that's for when we get  
19 to the trial, but, you know, I just -- it's a probing  
20 question that needs to be asked.

21 So, Mr. Wells.

22 JUROR WELLS: I have a problem with both if  
23 one of them was wrong.

24 ATTORNEY VISHNY: Right.

25 JUROR WELLS: I mean, I -- same with him,

1 I'd have to look at all the facts and decide. I'd  
2 have a problem doing both, but I would sooner not put  
3 an innocent away.

4 ATTORNEY VISHNY: Okay. All right.

5 Oh, I'm just blanking on your name. Meyer?

6 JUROR MEYER: Yes.

7 ATTORNEY VISHNY: I knew I had it before.

8 JUROR MEYER: Convicting an innocent  
9 person.

10 ATTORNEY VISHNY: Pardon me?

11 JUROR MEYER: Convicting an innocent  
12 person.

13 ATTORNEY VISHNY: Miss Steffen?

14 JUROR STEFFEN: I think I would -- there  
15 again, 50/50, but I wouldn't want to put a killer  
16 back out in the street.

17 ATTORNEY VISHNY: Okay. And that,  
18 obviously, any human being would have that as a  
19 legitimate concern, right, but what -- given that the  
20 way the law is beyond a reasonable doubt, would -- do  
21 you feel that that's like too high a burden given  
22 your concerns?

23 JUROR STEFFEN: It's a big responsibility,  
24 that's for sure.

25 ATTORNEY VISHNY: Yes.

1 JUROR STEFFEN: But as a jury, I think we  
2 do the best we can to listen to what you guys tell us  
3 and we have to weigh it, and whatever decision we  
4 make, that's the way it's got to be I guess.

5 ATTORNEY VISHNY: Okay.

6 JUROR STEFFEN: Yeah. You wouldn't want to  
7 put an innocent person away, very definitely, but --

8 ATTORNEY VISHNY: Okay. All right. Thank  
9 you very much for that.

10 Mr. Fleming.

11 JUROR FLEMING: Yeah. I would not be able  
12 to put an innocent person away.

13 ATTORNEY VISHNY: Right. Well none of us  
14 want to do that.

15 JUROR FLEMING: No. My conscience, that's  
16 my -- if I find out later on in life that --

17 ATTORNEY VISHNY: So that's your greater  
18 concern in sitting --

19 JUROR FLEMING: My greater concern, yes.

20 ATTORNEY VISHNY: Okay. Mr. Nieman?

21 JUROR NIEMAN: Convicting an innocent  
22 person.

23 ATTORNEY VISHNY: That's a greater concern  
24 for you.

25 Miss Hermus?

1 JUROR HERMUS: Convicting an innocent  
2 person.

3 ATTORNEY VISHNY: That's a greater concern.  
4 Okay. What about you, Miss Dey?

5 JUROR DEY: Convicting an innocent  
6 person.

7 ATTORNEY VISHNY: And, Mr. Van Deurzen?

8 JUROR VAN DEURZEN: Van Deurzen, yeah.  
9 Letting a guilty man go free.

10 ATTORNEY VISHNY: And why is that?

11 JUROR VAN DEURZEN: Like I say, you would  
12 have to look at all the evidence and everything else,  
13 but I just wouldn't want to see that happen again.

14 ATTORNEY VISHNY: Mr. Schueller.

15 JUROR SCHUELLER: Well, I'd prefer to do  
16 our job correctly and not have this happen, but I  
17 think convicting an innocent person.

18 ATTORNEY VISHNY: That's a greater worry  
19 for you?

20 JUROR SCHUELLER: Yeah.

21 ATTORNEY VISHNY: Okay. And so since it's  
22 a great worry for you, you know, some of the same  
23 questions I've said, judge says beyond a reasonable  
24 doubt but you think, you know, I think he probably  
25 did it but I'm just not sure, he maybe could be

1           innocent, just might be a small chance but he could  
2           be, are you willing to vote not guilty under those  
3           circumstances?

4                   JUROR SCHUELLER: That's what we're here to  
5           do, yes.

6                   ATTORNEY VISHNY: Okay. And Mr. Calmes?

7                   JUROR CALMES: Convicting an innocent  
8           person.

9                   ATTORNEY VISHNY: Okay. And last but not  
10          least, Mr. Parker.

11                  JUROR PARKER: Yeah. I'm torn just like  
12          everybody else, but I -- I guess I got to side, for  
13          me it would be the innocent man being convicted.

14                  ATTORNEY VISHNY: Okay. All right.

15                  So I'm going to -- and I want to thank you all  
16          for really looking deep inside and answering that  
17          because I think it's a really hard question to  
18          answer.

19                  I want to ask, you know, some other questions,  
20          one of which I think is really important. I'm going  
21          to go back to something that the prosecutor said  
22          which she asked you about *Making a Murderer*, and some  
23          of you watched it and some of you won't, and I don't  
24          want to belabor the documentary, I only want to ask  
25          really one question about it, and I would like you to



1           answer how you feel about this, whether you watched  
2           it, watched part of it, or just read about it in the  
3           paper. How many of you feel that the documentary  
4           *Making a Murderer* was unfair to law enforcement?

5           Okay. We have one gentleman.

6           And I -- I just want to say, you know, and my  
7           condolences about knowing Miss Halbach, but I thought  
8           you might feel that way given your real closeness to  
9           this case. So this gentleman, and that's Mr. Van  
10          Dalen?

11                   JUROR VAN DALEN: Right.

12                   ATTORNEY VISHNY: And in the back I saw a  
13          hand.

14           Okay. We'll go -- start in the back. Mr. Van  
15          Deurzen?

16                   JUROR VAN DEURZEN: Yup.

17                   ATTORNEY VISHNY: Yes. So you felt that it  
18          was unfair to the police?

19                   JUROR VAN DEURZEN: Yes.

20                   ATTORNEY VISHNY: Did you actually watch  
21          it?

22                   JUROR VAN DEURZEN: I watched some of it.

23                   ATTORNEY VISHNY: Okay.

24          Miss Dey?

25                   JUROR DEY: I watched all of it.

1 ATTORNEY VISHNY: Is your opinion it was  
2 unfair to law enforcement?

3 JUROR DEY: Yeah. It was a lot  
4 one-sided.

5 ATTORNEY VISHNY: Okay.  
6 And Miss Hermus?

7 JUROR HERMUS: I didn't.

8 ATTORNEY VISHNY: Mr. Nieman?

9 JUROR NIEMAN: I watched a couple episodes,  
10 and I thought it was one-sided.

11 ATTORNEY VISHNY: But in terms of  
12 one-sidedness, did you feel it was unfair to the  
13 police?

14 JUROR NIEMAN: Yes.

15 ATTORNEY VISHNY: How about in the middle?  
16 Okay. That's Mr. Wells?

17 JUROR WELLS: Yeah. I felt it was  
18 one-sided. I watched the whole thing.

19 ATTORNEY VISHNY: Okay. And unfair to the  
20 police?

21 JUROR WELLS: Yeah.

22 ATTORNEY VISHNY: Why is that?

23 JUROR WELLS: You didn't get both sides of  
24 the story. I felt like there was some things missing  
25 out. I felt that there was -- both sides had

1 arguments, but you didn't see one side of the  
2 arguments in the documentary.

3 ATTORNEY VISHNY: Okay. All right.  
4 Anybody else in that row?

5 (No response.)

6 ATTORNEY VISHNY: Okay. The next row down?  
7 Anybody else here feel that it was unfair to law  
8 enforcement?

9 (No response.)

10 ATTORNEY VISHNY: I shouldn't even say the  
11 police, because it was actually the Manitowoc County  
12 Sheriff's Department who the documentary was critical  
13 of, not the police department. But anybody -- okay.

14 How about the front row, anybody feel it was  
15 unfair to law enforcement?

16 (No response.)

17 ATTORNEY VISHNY: Okay. Kind of coming off  
18 of that topic, I'm going to ask one of the things,  
19 and it was an issue in the *Making of a Murderer* case,  
20 and I want to get away from anybody thinking about  
21 whether or not Steven Avery was guilty or not.  
22 That's not my purpose here at all. But one of the  
23 things that the documentary focused about, and it's  
24 been the subject of articles, is the interrogation  
25 methods that the police used when they were

1           questioning Avery's nephew, Dassey, or just you may  
2           know something about police interrogation methods  
3           period. Is anybody here familiar with police  
4           interrogation methods at all?

5           Yes. Mr. Schueller, what do you know about  
6           those?

7                     JUROR SCHUELLER: As a victimI was  
8           interrogated; well, not interrogated but  
9           questioned.

10                    ATTORNEY VISHNY: How did you feel about  
11           that?

12                    JUROR SCHUELLER: It was quite a lengthy  
13           process.

14                    ATTORNEY VISHNY: At any point were you  
15           feeling like that you were being accused of  
16           something?

17                    JUROR SCHUELLER: Yes.

18                    ATTORNEY VISHNY: And when you felt that  
19           way, how did -- what was your opinion of how that was  
20           or how did you feel?

21                    JUROR SCHUELLER: Uncomfortable.

22                    ATTORNEY VISHNY: Okay. And do you -- are  
23           you -- do you think that's a good interrogation  
24           method, bad interrogation method?

25                    JUROR SCHUELLER: It got what was needed so

1 I -- I don't know either way.

2 ATTORNEY VISHNY: Okay. Other people, did  
3 anyone else raise their hands for that? Is anybody  
4 else concerned about how the police interrogate  
5 people?

6 Yes? I'm sorry. I should have mentioned your  
7 name. Vandenberg?

8 JUROR VANDENBERG: Yes. I think that  
9 people can feel pressured into saying something that  
10 they don't really believe.

11 ATTORNEY VISHNY: Okay. I saw another  
12 hand. That's Miss Micke?

13 JUROR MICKE: Yeah. I had -- I don't have  
14 any experience with it, I have based off of what I  
15 saw.

16 ATTORNEY VISHNY: Can you talk up just a  
17 little louder?

18 JUROR MICKE: I don't have experience with  
19 it, but based on what I saw through the *Making a*  
20 *Murderer*, I wholeheartedly disagree with the way the  
21 interrogation happens. I don't have any personal  
22 experience with it though.

23 ATTORNEY VISHNY: Why did you disagree with  
24 it?

25 JUROR MICKE: Because when they were

1           interrogating the boy, it was clear to -- to me it  
2           was clear that his educational level, like he didn't  
3           understand what they were talking to him about and he  
4           should have had somebody there with him to explain  
5           things.

6                     ATTORNEY VISHNY:   Okay.   Miss Elbe?

7                     JUROR ELBE:   Yeah.   And my thoughts were  
8           exactly what she said.   He did not have anybody there  
9           with him, and some of the documentation, I saw about  
10          this much only, and what I saw of it was  
11          horrendous.

12                    ATTORNEY VISHNY:   Okay.

13                    JUROR ELBE:   He was not capable mentally  
14          even to -- to be saying things or drawing things.  
15          Un-hun.

16                    ATTORNEY VISHNY:   Okay.   All right.   And I  
17          want to ask you then, kind of still on this police,  
18          you know, I want to focus on that right now, police  
19          questioning, police interrogation, and I'm going to  
20          ask a series of questions and try to shortcut this a  
21          little bit.   We'll -- actually, I have a bunch of  
22          questions, but let me come back to police  
23          interrogation.

24                    I'm going to ask somebody to scale themselves on  
25          one to seven, okay, one meaning you strongly agree

1 with what I'm saying, okay, seven being you strongly  
2 disagree with what I'm saying. All right?  
3 Everybody's got that? Okay. So if you're four,  
4 you're kind of smack in the middle.

5 How many of you feel that you are a number one  
6 and you strongly agree with the following statement:  
7 Police are more believable as witnesses than  
8 non-police.

9 If you're number one, raise your hand. Okay.

10 If you're a number two, raise your hand. All  
11 those strongly agree.

12 If you're number three, raise your hand. You're  
13 more on the agree side.

14 Okay. And so that would be -- let me just get  
15 that. Mr. Parker and - I'm having these senior  
16 moments - Mr. Calmes, Mr. Eggers. Now, see, when I  
17 have to do this really fast I start failing. But I  
18 have to -- I'm going to have to check the chart. Mr.  
19 Fleming has his hand up. Okay. Nobody else in the  
20 middle. Miss Lee, you have your hand up. Mr. Green,  
21 you have your hand up. Mr. Webster, Mr. Buza. Okay.  
22 So that you are all threes. I missed somebody. Mr.  
23 Shea. Four. You're smack in the middle. You don't  
24 strongly agree or you're completely neutral.

25 So the people who are completely neutral on this

1 are Miss Plamann, Miss Stockwell, Mr. Nichols, Mr.  
2 Bloomer, Miss Steffen, Miss Meyer, Mr. Wells, Mr.  
3 Maas, Mr. Van Dalen, Mr. Van Deurzen, Miss Dey, Miss  
4 Hermus.

5 JUROR HERMUS: Hermus.

6 ATTORNEY VISHNY: I'm getting it bad  
7 because I'm thinking of that food hummus which I  
8 really like. Sorry, I just couldn't help myself.  
9 I'm probably getting hungry.

10 And Mr. Nieman.

11 Now we're going to keep going down the other  
12 side of the scale. How many of you are a five? If  
13 you're a five, raise your hand. That would be Miss  
14 Micke and Miss Elbe and Mr. Schueller are fives.

15 If you're a six, okay, getting very close to  
16 strongly disagree. That's Erickson. You're probably  
17 going to hate me because I forgot your name three  
18 times.

19 And a seven? Strongly disagree. Okay. And  
20 that's Miss Vandenberg.

21 Okay. So how are you going to judge if police  
22 have done a good investigation in a case? What kind  
23 of things are you going to look for? Just think  
24 about it for a second, take a second to think. What  
25 -- Mr. Bloomer, you've got your hand up.



1 JUROR BLOOMER: Who, what, where, when and  
2 why.

3 ATTORNEY VISHNY: So if they've answered  
4 those questions?

5 JUROR BLOOMER: If they answer those  
6 thoroughly, you'll know, if it's possible.

7 ATTORNEY VISHNY: Anybody else have any  
8 ideas in the front two rows.

9 (No response.)

10 ATTORNEY VISHNY: How about in the back,  
11 Miss Steffen? How would you decide?

12 JUROR STEFFEN: He said it very well, look  
13 at all the evidence and then just -- I think he did a  
14 good explanation.

15 ATTORNEY VISHNY: Okay. Who thinks it's  
16 important to have corroborating evidence to a witness  
17 statement? Does anybody feel that that's important?

18 Okay. That would be Mr. Nichols. Why do you  
19 think that?

20 JUROR NICHOLS: It just backs up his  
21 story.

22 ATTORNEY VISHNY: Mr. Shea?

23 JUROR SHEA: Makes a stronger case.

24 ATTORNEY VISHNY: In the back two rows.  
25 That's Mr. Schueller?

1 JUROR SCHUELLER: The same reason, it gives  
2 you a second backup.

3 ATTORNEY VISHNY: Okay. Anybody else?  
4 Yup. And Miss Elbe?

5 JUROR ELBE: Absolutely. You need to have  
6 the basic facts, that backup, um-hum.

7 ATTORNEY VISHNY: Mr. Buza, were you also  
8 agreeing with that?

9 JUROR BUZA: Yes.

10 ATTORNEY VISHNY: And, Mr. Calmes, why do  
11 you think that?

12 JUROR CALMES: Just helps decide -- make a  
13 decision.

14 ATTORNEY VISHNY: Okay. Judge, can I  
15 approach the bench?

16 THE COURT: You may.

17 (Bench conference.)

18 ATTORNEY VISHNY: How many of you actually  
19 live in Appleton itself? Just raise your hand.  
20 Okay. So most of you. I'm going to tell you,  
21 without getting into the facts, that the level of the  
22 quality of the police investigation is going to be an  
23 issue in this case. It's going to be challenged by  
24 the defense. I'm not going to get into any facts  
25 beyond that, okay, but I'm just going to put that

1 right out there.

2 What I want to know is, because of that, does  
3 anybody here who lives in Appleton and depends on the  
4 Appleton Police Department as your police department  
5 for protection, does that make you worried about  
6 sitting on the jury where that might be questioned?

7 (No response.)

8 ATTORNEY VISHNY: And does anybody feel,  
9 you know, I -- I would not feel comfortable ever  
10 saying not guilty because the Appleton police might  
11 think I'm questioning them and, you know, they're my  
12 police department and I have to rely on them and  
13 trust them? Is that a problem for anybody here?

14 (No response.)

15 ATTORNEY VISHNY: Okay. Has anybody ever  
16 had an experience where you think police have done a  
17 poor investigation of a crime? Whether you've been a  
18 victim, somebody you know was arrested, just some  
19 friends told you about it, doesn't really matter.  
20 Has anybody ever felt that way about something you  
21 know about or read about?

22 (No response.)

23 ATTORNEY VISHNY: No. No one has ever felt  
24 that way. Okay. All right.

25 I'm going to go -- I'm going to come back to

1           some police issues, but I'm going to go to some other  
2           things. Let's hit a light topic now after all this  
3           heavy stuff.

4           Does anybody have any friends who are or  
5           frenemies or people you know at work who are  
6           braggers, who just like to boast a lot? Anybody know  
7           people like that?

8           Now, if you all don't raise your hand, I'm going  
9           to say that we're not living in the same world.

10                   UNIDENTIFIED JUROR: I'll admit it. I have  
11           one.

12                   ATTORNEY VISHNY: And they don't have to be  
13           your friend, it could be your coworker who you  
14           couldn't stand.

15                   UNIDENTIFIED JUROR: It's a coworker.

16                   ATTORNEY VISHNY: All right. And are there  
17           people who just brag a lot who you don't believe what  
18           they say? Has anybody ever encountered that?

19                   Let's -- okay. Yes, Mr. Nichols, you're raising  
20           your hand.

21                   JUROR NICHOLS: I work with a couple people  
22           that always, they've done everything and they've done  
23           it better.

24                   ATTORNEY VISHNY: Right. And they know it  
25           all.

1 JUROR NICHOLS: And they've got blogs to  
2 prove it.

3 ATTORNEY VISHNY: Do they have book deals  
4 too?

5 JUROR NICHOLS: I don't know. I didn't get  
6 into that part.

7 ATTORNEY VISHNY: Okay. Anybody you know  
8 see where people claim they have a lot more money  
9 than they have?

10 (No response.)

11 ATTORNEY VISHNY: No? Or drive fancy cars  
12 or have more girlfriends or boyfriends? Yes. Has  
13 anybody known anybody who's ever bragged about  
14 something that's not true but it's negative because  
15 they want to impress somebody, like they're bragging  
16 like they're a big time criminal? I know this is  
17 very odd, but has that ever -- have you ever run  
18 across that?

19 (No response.)

20 ATTORNEY VISHNY: Okay. So fortunately you  
21 haven't met those kind of people.

22 What I want to ask about that is do you believe  
23 that there are people out there in this world who are  
24 like that, who are just, you know, compulsively brag  
25 even about doing bad stuff but it's not true?

1 I hear -- I see people nodding their head. I'm  
2 going to start in the back row.

3 Mr. Schueller, you said that --

4 JUROR SCHUELLER: Yes.

5 ATTORNEY VISHNY: You believe there are  
6 people like that?

7 JUROR SCHUELLER: Yes.

8 ATTORNEY VISHNY: Does anybody in the back  
9 row believe there are never people like that?

10 Okay. Let's hit the second row. I saw several  
11 of you nodding your head. Mr. Maas, you just raised  
12 your hand.

13 JUROR MAAS: Yes.

14 ATTORNEY VISHNY: You know people to be  
15 like that?

16 JUROR MAAS: Oh, yeah.

17 ATTORNEY VISHNY: It's pretty unusual but  
18 it exists. And, let's see, who else was nodding  
19 their head? Mr. Eggers, you were?

20 JUROR EGGERS: Yeah, I would think there is  
21 people out there like that.

22 ATTORNEY VISHNY: And Mr. Van Dalen?

23 JUROR VAN DALEN: Dalen.

24 ATTORNEY VISHNY: Finally.

25 JUROR VAN DALEN: Yeah. Definitely I would

1 think that.

2 ATTORNEY VISHNY: Again in this row, do any  
3 of you believe there are people not like that, I mean  
4 even crazy stuff like claiming they killed somebody  
5 when they didn't or claiming they committed some  
6 other horrible crime when they didn't do it?

7 (No response.)

8 ATTORNEY VISHNY: All right. What about in  
9 the next row? Anybody feel that there are just not  
10 people like that in this world?

11 (No response.)

12 ATTORNEY VISHNY: Front row?

13 (No response.)

14 ATTORNEY VISHNY: Okay. Now, in this case  
15 -- just a second. Just kind of look at my notes here  
16 real quickly, because of course I didn't ask the  
17 questions in order that I wrote them down. I mean I  
18 couldn't probably do something that logical.

19 Do you think men ever brag more to women? Does  
20 anybody think that? Yes? No?

21 (No response.)

22 ATTORNEY VISHNY: You know one of my  
23 friends was saying, yeah, but they don't realize that  
24 women don't fall for that stuff. Anybody disagree  
25 with that?

1 (No response.)

2 ATTORNEY VISHNY: Okay. Now, you're going  
3 to hear a lot of testimony and the prosecutor  
4 referred to that about things that Chong Lee said.  
5 It's going to be part of the evidence in this case.  
6 Okay? You're going to hear some phone calls and  
7 you're going to, you know, maybe letters, things like  
8 that were written and oral statements. And it's  
9 going to be up to you as jurors to decide, just  
10 because somebody said something, is it believable or  
11 not. Does anybody have a problem with that?

12 (No response.)

13 ATTORNEY VISHNY: Okay. And is anybody  
14 afraid to have to make that decision?

15 (No response.)

16 ATTORNEY VISHNY: All right. And is it  
17 important to you that there be corroborating evidence  
18 even of bragging or statements that people make on a  
19 telephone or in a letter? Is that important to you?  
20 Is there any -- let me flip that. Is there anybody  
21 who it's not important to?

22 (No response.)

23 ATTORNEY VISHNY: Okay. Will anybody here  
24 say, you know what, just because somebody made  
25 statements on a phone and, you know, it could mean if



1           they made certain statements on a phone they might be  
2           guilty of one thing but not another. Okay? So there  
3           is a lot of, you know, you heard the charges read  
4           when you walked in the courtroom, right, and you all  
5           know that there are a lot of different charges here,  
6           they're not all the same, and you're going to have to  
7           make individual decisions as a group, I mean you're  
8           going to make a group decision but you're going to  
9           have to decide on each and every count separately.

10          All right?

11                 So I want to ask you if you feel, you know, I've  
12           heard these statements on the phone about witnesses  
13           and can you independently judge from those statements  
14           whether or not somebody has been proven guilty beyond  
15           a reasonable doubt of killing somebody or do you  
16           think, well, this person is guilty of one, they must  
17           be guilty of the other? How many of you think if  
18           they're guilty of one, you know, or more of the  
19           counts they must be guilty of all of the counts? Is  
20           there anybody who feels that way? And, again, it's  
21           okay if you feel that way, we just want to know.

22                         (No response.)

23                         ATTORNEY VISHNY: Okay. Some of you have  
24           talked about scientific evidence. Is scientific  
25           evidence important in your opinion? Yes? Yes.

1                   And Mr. Shea?

2                   JUROR SHEA: It's certainly helpful.

3                   ATTORNEY VISHNY: Yeah. It's not always  
4 available but it's certainly helpful.

5                   Is it important that the police do everything  
6 early in an investigation to get whatever scientific  
7 or physical evidence might be available right from  
8 the beginning?

9                   Okay. How many of you agree with the statement  
10 time is of the essence in an investigation? Is there  
11 anybody who disagrees with that?

12                   (No response.)

13                   ATTORNEY VISHNY: Has anybody here ever  
14 said something out of frustration, you know, or let's  
15 -- like you or somebody you know, let's say that,  
16 have you ever -- have any of you said something out  
17 of frustration or anger or being upset that you  
18 really didn't mean? Like, okay, like I'd like to  
19 kill my husband, or let's try something milder,  
20 you're still married, I'd like a divorce. Okay? I  
21 mean have there ever been where you have verbalized  
22 thoughts or know people who verbalize thoughts even  
23 though you don't mean it, you don't want to kill  
24 them, you love them, or you don't want a divorce, you  
25 want to commit to your marriage, you know, but has

1           anybody ever been in a situation like that where you  
2           have said things because you're frustrated but you  
3           may not mean them?

4                       (No response.)

5                       ATTORNEY VISHNY:   Okay.   And has anybody  
6           not ever been in a situation like that?   Or not know  
7           people like that?

8                       (No response.)

9                       ATTORNEY VISHNY:   It's okay if you haven't  
10          done it.   We won't think you're odd or anything.

11                      (No response.)

12                      ATTORNEY VISHNY:   Okay.   All right.   Just  
13          thought I'd ask.

14                      So, as I've said, you know, you're going to hear  
15          a lot of things that Chong Lee said over the phone,  
16          and they may not be the way you personally would  
17          react, they can be different, and how do you feel  
18          about people who do things or say things differently  
19          than you do in your life?

20                      (No response.)

21                      ATTORNEY VISHNY:   Okay.   Nobody wants to  
22          raise their hand right now.   Which is okay.   You guys  
23          getting tired?

24                      UNIDENTIFIED JUROR:   Um-hum.

25                      ATTORNEY VISHNY:   We're only going to go a

1           few more minutes before break. That's what I was  
2           asking the judge about before.

3           Mr. Schueller.

4                   JUROR SCHUELLER: I manage 30 plus people  
5           with all different attitudes and everything, so I  
6           understand people have different personalities and  
7           it's just the way the world works.

8                   ATTORNEY VISHNY: Okay. Anybody else want  
9           to comment on that?

10                   (No response.)

11                   ATTORNEY VISHNY: Will you find Chong Lee  
12           guilty of a murder charge just because he reacted  
13           differently than you might react? That's what I  
14           really want to know. Okay? Because I know that we  
15           each think, you know what, if it was me, I would do  
16           this, I would react that way, but we all know  
17           different people react differently. Is there anybody  
18           who feels, and it's perfectly fine if you do, he  
19           didn't react the way I would react or my mother would  
20           react or my husband would react or wife, and  
21           therefore I'm going to -- I think he's guilty just  
22           because of that fact alone. Anybody?

23                   (No response.)

24                   ATTORNEY VISHNY: Okay. How many of you  
25           know a person who was convicted of a felony?

1           Okay. You can just raise your hands for a  
2           minute. So we have one gentleman in the back -- two  
3           people. That's Mr. Schueller and Mr. Van Deurzen in  
4           the back, you two know people convicted of a felony.  
5           Mr. Wells. Anybody else in the second row? Mr.  
6           Maas, Mr. Fleming. Right. Did I get that one right  
7           this time? Okay. That's Miss Stockwell, Mr.  
8           Nichols, Miss Micke, Miss Erickson. And Miss  
9           Vandenberg and Miss Plamann. Okay. So all of you  
10          know people who have been convicted of a felony.

11                 Is the fact that somebody has been previously  
12          convicted of a felony, do you feel that if they are  
13          accused of a different crime at a later date that  
14          that means they're guilty because they committed a  
15          felony once before? Does anybody feel that way?

16                         (No response.)

17                 ATTORNEY VISHNY: I'm just going to come  
18          straight out and say it. You're going to hear one of  
19          the charges that Mr. Lee is accused of is possession  
20          of a firearm by a convicted felon. And we agree --  
21          we are going to agree, we're not going to contest the  
22          fact that at a point in his life in the past he was  
23          convicted of a felony. I'm just going to put that  
24          right out there. All right? Now that I've said  
25          that, you know, with all these things we've been

1           talking about, is there anybody who says, you know  
2           what, this guy was convicted of a felony before and  
3           therefore I think he is guilty of what he's being  
4           accused of in this case?

5                       (No response.)

6                       ATTORNEY VISHNY: You know, meaning murder,  
7           first and foremost. So is there anybody -- if you  
8           think it, it's okay, we just want to know. Okay?

9                       Does the fact that I have told you this now,  
10          that he's been convicted of a felony, change your  
11          opinion at all about any of the things that we've  
12          talked about in this trial so far.

13                      (No response.)

14                      ATTORNEY VISHNY: No? Doesn't make any  
15          difference to you?

16                      Then I guess the next question I have is about  
17          Mr. Lee and whether or not he testifies in this case.  
18          Okay? And, you know, the judge will instruct you,  
19          and again, I'm not trying to be the judge, but I  
20          think we all know that an accused person has a right  
21          to not have to take the stand. Right? Can anybody  
22          here think of a reason why an innocent person would  
23          not want to testify in the case?

24                      JUROR O'BRIEN: They're scared.

25                      ATTORNEY VISHNY: That is Miss O'Brien says

1           they're scared. I have to repeat your name for the  
2           court reporter. Miss O'Brien says because they're  
3           scared.

4                   What's another reason that people can think of?

5                   JUROR PARKER: Communication skills.

6                   ATTORNEY VISHNY: I'm sorry. Mr. Parker?

7                   JUROR PARKER: Communication skills.

8                   JUROR WELLS: Get nervous, stumble over  
9           words.

10                  ATTORNEY VISHNY: Mr. Wells says that.

11                  Okay. Anybody else? Can anybody else think of  
12           a reason an innocent person might not want to take  
13           the stand?

14                  ATTORNEY VISHNY: Okay. Mr. Schueller?

15                  JUROR SCHUELLER: Don't want any inferences  
16           on what he says for someone to take the wrong point  
17           of it.

18                  ATTORNEY VISHNY: Okay. Mr. Bloomer, you  
19           raised your hand?

20                  JUROR BLOOMER: Cross-examination can  
21           create a lot of doubt.

22                  ATTORNEY VISHNY: Okay. Cross-examination.  
23           Miss Micke, you raised your hand?

24                  JUROR MICKE: I was just going to say --

25                  ATTORNEY VISHNY: I really do need you to

1 talk up.

2 JUROR MICKE: Sorry. He could say  
3 something that could potentially make him look guilty  
4 when he's not.

5 ATTORNEY VISHNY: That could make him look  
6 guilty even if he's not.

7 JUROR MICKE: Yes.

8 ATTORNEY VISHNY: Anybody else?

9 JUROR ELBE: I think --

10 ATTORNEY VISHNY: I'm sorry, I have to put  
11 your name down for the record. Elbe?

12 JUROR ELBE: Yup.

13 ATTORNEY VISHNY: Okay.

14 JUROR ELBE: When -- when you get up there  
15 to give your information, the nervousness alone can  
16 put you into mentally trying to figure out what I'm  
17 going to say and say it correctly, and so it could  
18 come across wrong even though they're saying or  
19 trying very hard to give that information, it can  
20 just be turned around in the wrong way.

21 ATTORNEY VISHNY: Okay. Does anybody know  
22 anyone -- first, can anybody -- any other reasons  
23 anyone can think of?

24 (No response.)

25 ATTORNEY VISHNY: All right. Does anybody



1 know anyone who might not want to testify because  
2 they don't want to point the finger at another  
3 person?

4 (No response.)

5 ATTORNEY VISHNY: Okay. Now , I'm going  
6 to flip this question. Who here thinks that if he  
7 doesn't take the stand and doesn't want to testify  
8 that if people don't take the stand it means they're  
9 guilty and that's the reason why they don't get up  
10 there and tell their story? Nobody thinks that?

11 (No response.)

12 ATTORNEY VISHNY: Did any of you walk in  
13 the courtroom today and say, gee, I wonder what Chong  
14 Lee is innocent of?

15 (No response.)

16 ATTORNEY VISHNY: Okay. Not one of you has  
17 raised your hand. And if you did raise your hand, I  
18 would think there was something really unusual going  
19 on here because that's just not how we think. We  
20 wonder what did this guy do. All right? So is it  
21 fair that we all kind of wondered and said, you know,  
22 what's he here for, or you learned pretty quickly  
23 what it was all about, but, you know, if I'm -- there  
24 is an accused person, what did he do?

25 UNIDENTIFIED JUROR: Um-hum.

1                   ATTORNEY VISHNY: So we've got that out of  
2                   the way. We all think like that, right? I pick up  
3                   the newspaper, I think the same thing as everyone  
4                   else thinks, right? So, thinking that and knowing  
5                   that you walked in here saying that and, you know,  
6                   does that at all affect you thinking, well, gee, if  
7                   he didn't take the stand then he must be a guilty  
8                   person?

9                   (No response.)

10                  ATTORNEY VISHNY: Okay. Or, you know, how  
11                  do you feel then about, well, I came in here, I  
12                  wondered what he did, some people like say where  
13                  there's smoke there's fire, it's like a super old  
14                  cliche, and then so therefore, you know, I'm not  
15                  sure, or now that you know that the prosecutor has to  
16                  prove this to you beyond a reasonable doubt, the  
17                  burden of proof is completely on the prosecution  
18                  side, the defense doesn't have to question witnesses,  
19                  but believe me we will, okay, we don't have to call  
20                  witnesses but we will call somebody, okay, does  
21                  anybody say, you know, well, I walked in thinking,  
22                  you know, he's probably guilty, he probably did  
23                  something, and now this lawyer is here saying, well  
24                  they've got to prove it beyond a reasonable doubt and  
25                  I'm committed to not finding somebody guilty. Does

1           that cause any problems for anyone but --

2                   JUROR ELBE:   That's --

3                   ATTORNEY VISHNY:   Miss Elbe?

4                   JUROR ELBE:   That's where we come right  
5           back around, we just came right back around, we're  
6           back to this.  We need to hear what happened, where  
7           they were, what was going on, we need facts.

8                   ATTORNEY VISHNY:   Right.

9                   JUROR ELBE:   That's what we need.  We went  
10          right around to go back to let's get the facts on  
11          this, what happened.  We need that.

12                   ATTORNEY VISHNY:   Right.  And that's why  
13          we're all sitting here.

14                   JUROR ELBE:   Um-hum.

15                   ATTORNEY VISHNY:   And I would be really  
16          worried if you didn't need facts.  Okay?  So anybody  
17          have any disagreements with that?

18                           (No response.)

19                   ATTORNEY VISHNY:   Does anybody think it's  
20          just really not fair that the prosecution has to  
21          prove a case beyond a reasonable doubt?  That just --  
22          it shouldn't be like that, it should be like more  
23          likely than not, you know, because this is really  
24          different, right, this is a lot more?

25                   How many of you are Packers fans?  Okay.  How

1           many of you are not Packer fans? Okay. Well I  
2           didn't become one. I grew up in a different state,  
3           but I did become a Wisconsinite so it's like the old  
4           football thing, you have to carry the ball all the  
5           way down the goal line. That's kind of like what  
6           beyond a reasonable doubt is. Does anybody say, you  
7           know, that's just not right, that's not fair?

8                               (No response.)

9                               ATTORNEY VISHNY: Anybody have a problem  
10          with that?

11                              JUROR NICHOLS: I said everyone who watches  
12          football.

13                              ATTORNEY VISHNY: Mr. Nichols. Yes.  
14          Everybody does watch football, but, you know, but  
15          we're not really here to watch football. We started  
16          out with the Super Bowl and the halftime show, but  
17          what about, you know, kind of -- I'm just using it as  
18          a pretty bad analogy for reasonable doubt, you know,  
19          pretty bad, pretty cliché, I'll totally cop to that,  
20          so -- but -- but I'm really trying to explore your  
21          views. You know, for those of you who said you're  
22          more concerned, you know, you're more concerned about  
23          whether or not a guilty person would go free, you  
24          know, and what could the ramifications of that be,  
25          you know, again, I'm kind of coming back in many ways

1 to that question, is this a problem. I don't want to  
2 beat a dead horse, but it's something I got to be  
3 sure about. Okay.

4 Judge, I'm kind of at a natural point where I  
5 would completely change topics. I don't have that  
6 much left, but I do have some other topics.

7 THE COURT: Sure. And we are -- it may not  
8 be here quite yet. We are providing -- we have some  
9 pizzas that are being brought in for you so we will  
10 have that provided you in a moment. It will be in  
11 the Branch III jury room, which is where we had  
12 initially met, and so at this time why don't we begin  
13 our break with the understanding pizza may not quite  
14 be here yet, and then let's reconvene at -- let's say  
15 6:15 -- six.

16 UNIDENTIFIED JUROR: Everybody stay in the  
17 building?

18 ATTORNEY VISHNY: And I don't have that  
19 much more left. I just wanted to let you know that.

20 THE COURT: We'll reconvene at 6:00.

21 (Court in recess.)

22 THE COURT: Attorney Vishny, whenever you  
23 are ready, please resume your questioning.

24 ATTORNEY VISHNY: Thank you, Your Honor.

25 Okay. I don't have too much more, but you were

1           -- people were asked earlier whether you speak Hmong,  
2           and nobody here does who is in this group of people  
3           here. Do any of you speak a language other than  
4           English?

5                               (No response.)

6                               ATTORNEY VISHNY: No. Okay.

7                               And does anybody here feel that English should  
8           be the official language of the United States? Okay.  
9           So I'm going to start in the back, and I think I --  
10          Mr. Parker?

11                              JUROR PARKER: Um-hum.

12                              ATTORNEY VISHNY: Yes. So, I mean, it kind  
13          of is in a way anyway, but we're talking about  
14          whether there should be a law passed. Why do you  
15          feel that way?

16                              JUROR PARKER: I guess that's just what I  
17          grew up with and that's what -- I know it's changed  
18          now and there is a lot of diversification in this  
19          area too, but I just believe that if you live here  
20          you should learn English and try to speak that  
21          language.

22                              ATTORNEY VISHNY: How do you feel when  
23          people are speaking in another language?

24                              JUROR PARKER: I don't know. I -- I don't  
25          want to say it bothers me, I just don't know what

1           they're saying. Like if I'm in line at the grocery  
2           store and I hear something, you kind of wonder what  
3           they're talking about, but I can't say it bothers me,  
4           but I guess deep down I wish that everybody would  
5           learn English and -- if they're living here.

6                     ATTORNEY VISHNY: Okay. Mr. Calmes, did  
7           you raise your hand?

8                     JUROR CALMES: I did.

9                     ATTORNEY VISHNY: Okay. Why don't you tell  
10          me how you feel.

11                    JUROR CALMES: About the English language?

12                    ATTORNEY VISHNY: Well, we all love English  
13          because we all speak it here, but, you know, it's all  
14          of our language of course, but about -- would you --  
15          whether you think it should be the official language  
16          or how you feel when you hear people speaking in a  
17          different language, whether it's Hmong, Spanish?

18                    JUROR CALMES: Doesn't bother me at all.  
19          English language is what I'm accustomed to because  
20          that's what's on TV, I guess, but it doesn't bother  
21          me.

22                    ATTORNEY VISHNY: Did anybody else raise  
23          their hand in the back row? Yes? Okay. Mr. Van  
24          Deurzen.

25                    JUROR VAN DEURZEN: Yes.

1                   ATTORNEY VISHNY: Okay. Why don't you tell  
2                   us what you think.

3                   JUROR VAN DEURZEN: It's because we're in  
4                   America and that's what we speak here so I think  
5                   everybody should speak it.

6                   ATTORNEY VISHNY: Do you feel negative when  
7                   you hear people speaking in a foreign language?

8                   JUROR VAN DEURZEN: I don't know if I feel  
9                   negative, you can do what you want, but it should be  
10                  the official language.

11                  ATTORNEY VISHNY: Miss Dey.

12                  JUROR DEY: I feel it should be because if  
13                  you went and lived in their country, you would learn  
14                  to speak their language if you stayed there, so I  
15                  feel it should be.

16                  ATTORNEY VISHNY: Do you feel negative when  
17                  you hear people speaking in a foreign language?

18                  JUROR DEY: I guess it depends on their  
19                  body actions and stuff like that.

20                  ATTORNEY VISHNY: Their body actions?

21                  JUROR DEY: Like how they're acting at the  
22                  time. Like if they're looking at you or something,  
23                  it might make you wonder if they're talking about you  
24                  or something.

25                  ATTORNEY VISHNY: Are you suspicious when



1           you hear people speaking in a foreign language?

2                   JUROR DEY: Not necessarily. It depends on  
3           the situation.

4                   THE COURT: Next row. Was there anybody  
5           who raised their hand? All right. Mr. Eggers. Go  
6           ahead.

7                   JUROR EGGERS: English should be the  
8           official language.

9                   ATTORNEY VISHNY: I guess I won't ask you  
10          that, because if you don't think that, what I want to  
11          ask is how do you feel about when you hear speaking  
12          in a foreign language?

13                  JUROR EGGERS: Doesn't really bother me. I  
14          can live with it.

15                  ATTORNEY VISHNY: Okay. Mr. Van Dalen?

16                  JUROR VAN DALEN: Doesn't bother me when I  
17          hear other languages, I just think they should --  
18          other cultures should learn English if they're going  
19          to come and live in America.

20                  ATTORNEY VISHNY: Did anybody else raise  
21          their hand? Miss Meyer.

22                  JUROR MEYER: Yes. It doesn't bother me at  
23          all, I just think it's better if they could learn it  
24          so that we could communicate, understand the  
25          English.

1 ATTORNEY VISHNY: Anybody else in that row?

2 Okay. Mr. Shea.

3 JUROR SHEA: I don't think there is any  
4 reason to make it a law or -- just if you want to get  
5 a job and live in America, eventually you get around  
6 to learning the language and it happens and it  
7 happened 20 years ago, 150 years ago, hundred years  
8 ago, Germans start speaking English. It's going to  
9 happen. We don't need a law.

10 ATTORNEY VISHNY: Anybody else in that row?  
11 Mr. Green?

12 JUROR GREEN: I think they should learn  
13 English, but I don't care if they speak a different  
14 language.

15 ATTORNEY VISHNY: Don't bother you.

16 JUROR GREEN: No.

17 ATTORNEY VISHNY: Mr. Nichols?

18 JUROR NICHOLS: I agree with them. I don't  
19 really have a problem with them as long as they're  
20 not like body language kind of insinuating they're  
21 talking about you.

22 ATTORNEY VISHNY: That was the only way you  
23 feel offended by someone speaking a different  
24 language.

25 Miss O'Brien.

1 JUROR O'BRIEN: I don't feel offended if  
2 they're speaking a different language but by coming  
3 here I think they should take the effort to learn the  
4 English language.

5 ATTORNEY VISHNY: In the front row, anybody  
6 raise their hand?

7 (No response.)

8 ATTORNEY VISHNY: No. All right. So how  
9 many of you are friends with someone who is of a  
10 different race or ethnicity than yourself?

11 Okay. Quite a few of you.

12 Are there people here on this jury panel who are  
13 friends with people who are Asian or Hmong?

14 Okay. So there are several people who are.

15 Is there anybody here who feels resentful, like  
16 Hmong people, you know, they come to this country,  
17 they don't follow our ways, they're -- you know, they  
18 live differently, they talk in a strange language,  
19 they eat different food, you know, anybody feel that  
20 way at all?

21 Again, there's nothing wrong, nobody is judging  
22 you, but if you feel that way, we just need to know  
23 about it now. Is there anyone who feels that way?

24 (No response.)

25 ATTORNEY VISHNY: Is there anyone who feels

1 negative about Hmong people, like the people have  
2 large families, they live lots of people in one  
3 house, you know, people don't have jobs, anything  
4 like that?

5 (No response.)

6 ATTORNEY VISHNY: All right. Has anybody  
7 here ever been involved in helping Hmong refugees  
8 settle in the United States through your church or  
9 civics group?

10 (No response.)

11 ATTORNEY VISHNY: Does anybody here feel  
12 that you are familiar with traditional Hmong cultural  
13 or religious beliefs, ever learn anything about it?  
14 Curious about it?

15 Yes? Mr. Van Dalen.

16 JUROR VAN DALEN: Yeah. I'm curious,  
17 interested about it, yeah.

18 THE COURT: Anybody else? Miss Plamann?

19 JUROR PLAMANN: A friend in high school, I  
20 interviewed him for a paper and a work-up that  
21 learned about his culture and his background. He's  
22 Hmong.

23 ATTORNEY VISHNY: Okay. Miss Vandenberg,  
24 you were going to say something.

25 JUROR VANDENBERG: Yeah. Just interested I

1 guess. No problem learning about different  
2 cultures.

3 ATTORNEY VISHNY: Miss Erickson, you raised  
4 your hand?

5 JUROR ERICKSON: I just talk to my friends  
6 about random stuff about that. Just a little --  
7 little bit different than that from various talks,  
8 nothing too deep.

9 ATTORNEY VISHNY: Okay. Immigration has  
10 changed our communities, and it's probably changed  
11 Appleton just like it's changed other communities,  
12 whether immigrants are from a Latin American country  
13 or from an Asian country. Is there anybody who feels  
14 negative about this and thinks it was better when it  
15 was the old days and there weren't a lot of  
16 immigrants here?

17 (No response.)

18 ATTORNEY VISHNY: On the flip side, does  
19 anybody think, you know, this is better, it's a more  
20 diverse community, I like it more?

21 Yes. Mr. Schueller?

22 JUROR SCHUELLER: I like it. That's what  
23 the country is formed on.

24 ATTORNEY VISHNY: Okay. Miss Vandenberg?

25 JUROR VANDENBERG: I agree.

1                   ATTORNEY VISHNY:   Okay.   And Mr. -- I'm  
2                   losing it now.

3                   JUROR FLEMING:   Fleming.   I agree.   Because  
4                   nationalities are sometimes I think (unintelligible).

5                   ATTORNEY VISHNY:   Anyone else wanted to  
6                   raise their hand?   Yes, Miss Stockwell?

7                   JUROR STOCKWELL:   I think it's interesting  
8                   having like Hmong and Mexicans and they can meet new  
9                   kind of people and learn their cultures and  
10                  traditions and stuff.

11                  ATTORNEY VISHNY:   Okay.   Anybody else?  
12                  Yes, Miss Erickson?

13                  JUROR ERICKSON:   I'm just used to it  
14                  growing up with it.

15                  ATTORNEY VISHNY:   Growing up in a more  
16                  diverse society?

17                  JUROR ERICKSON:   Yeah.   If you're younger,  
18                  it's just how you grew up.

19                  ATTORNEY VISHNY:   Okay.   All right.

20                  Now, there's five people here, I'm going to go  
21                  back to asking questions, and I'm going to ask the  
22                  five of you some specific questions because of what  
23                  you identified about yourself when it came to whether  
24                  the *Making a Murderer* documentary was overly critical  
25                  of the police.   I don't want to talk about the

1 documentary at all. At all. What I want to talk  
2 about is the fact that in the defense in this case  
3 there's going to be criticism from the defense about  
4 how the police investigated this case, and you may,  
5 after feeling -- after watching that documentary,  
6 think, you know what, they're just doing what the  
7 defense did in the *Making a Murderer* case, you know,  
8 they're just criticizing the police. And I will tell  
9 you there is even going to be somebody who is an  
10 expert in police practices who is going to come and  
11 talk about police practices in this trial. So I'm  
12 going to ask, Mr. Nieman, you're one of the people  
13 who had raised your hand about that, and I -- I just  
14 want your honest answer. Do you feel it's unfair  
15 that part of the defense in this case is going to be  
16 critical of the investigation methods of the Appleton  
17 Police Department?

18 JUROR NIEMAN: No.

19 ATTORNEY VISHNY: Okay. And, you know, do  
20 you -- do you think it's appropriate to question  
21 investigation methods?

22 JUROR NIEMAN: If the defense feels  
23 necessary, yes.

24 ATTORNEY VISHNY: Okay. And is your  
25 opinion when you hear that, oh, my God, that's just a

1 lot of hooey, they're just blowing smoke, or is that  
2 something you think should be seriously questioned in  
3 terms of whether or not the right person is on trial  
4 here today?

5 JUROR NIEMAN: It depends on the evidence  
6 and the facts.

7 ATTORNEY VISHNY: Okay.

8 JUROR NIEMAN: As to what you're trying to  
9 point out.

10 ATTORNEY VISHNY: Okay.

11 Miss Dey, I think you were one of the people who  
12 had raised your hand to that question too, and I have  
13 the same questions to you. This is what's going to  
14 happen in this trial. There is going to be some  
15 pretty aggressive questioning here about the methods  
16 that the Appleton Police Department used, including,  
17 you know, some critique of it, and the purpose of  
18 that isn't to, again, put anybody down but to talk  
19 about whether or not there in fact -- whether the  
20 right person is sitting here at the defense table and  
21 on trial. How do you feel about that?

22 JUROR DEY: Can you restate the question?

23 ATTORNEY VISHNY: Yes. Okay. So when I  
24 talked to you about the documentary, you said you  
25 thought it was unfair to law enforcement.



1 JUROR DEY: Um-hum.

2 ATTORNEY VISHNY: And just, you know,  
3 nobody here is saying anybody planted evidence or is  
4 lying, but there's going to be some vigorous  
5 criticism of how this case was investigated and  
6 whether it has led to a person who is innocent being  
7 prosecuted. Okay? That's what's going to be talked  
8 about in this trial. And, you know, given -- and I  
9 kind of use the documentary not to talk about that  
10 but as kind of a weather vane or a way to measure  
11 your feelings on that. Okay? So given what you  
12 said, are you feeling like, you know, that's not --  
13 that's not fair or they're just blowing smoke? Do  
14 you understand what I'm saying?

15 JUROR DEY: Yeah. I'm -- I could -- I  
16 guess I could be fair. It depends on the evidence  
17 that is presented and the facts and stuff.

18 ATTORNEY VISHNY: Is it appropriate to  
19 question police and the way they question people, the  
20 way they interrogate people?

21 JUROR DEY: Sure. Yes.

22 ATTORNEY VISHNY: Okay. Does it concern  
23 you at all that the way police interrogate somebody  
24 might get false statements?

25 JUROR DEY: If the evidence shows that.

1                   ATTORNEY VISHNY: Okay. Mr. Van Deurzen,  
2                   same -- I think you're also one of the people who  
3                   raised your hand for that question.

4                   JUROR VAN DEURZEN: Yes.

5                   ATTORNEY VISHNY: Okay. So why don't you  
6                   tell me, do you need me to rephrase my question or  
7                   are you prepared to comment?

8                   JUROR VAN DEURZEN: No. I think it's fair  
9                   to question police actions.

10                  ATTORNEY VISHNY: Okay.

11                  JUROR VAN DEURZEN: And the way they do  
12                  things.

13                  ATTORNEY VISHNY: Okay. And if you're  
14                  concerned about those tactics, would that lead you to  
15                  concern about whether a prosecution has proved its  
16                  case beyond a reasonable doubt?

17                  JUROR VAN DEURZEN: I think the facts will  
18                  come out that if they show that they used wrong  
19                  tactics or whatever that we'll see that.

20                  ATTORNEY VISHNY: Okay. Let's see. The  
21                  other people, I think it was Mr. Wells, you had  
22                  raised your hand for that too. Okay? I have kind of  
23                  the same questions. How do you feel about the fact  
24                  that this is going to be an issue in this trial, how  
25                  the Appleton Police Department investigated this case

1 and whether they went about it the wrong way?

2 JUROR WELLS: I'm fine with that, just make  
3 sure they did their job correctly.

4 ATTORNEY VISHNY: Okay. Do you think that  
5 that is a proper thing for us to be asking in our  
6 defense here?

7 JUROR WELLS: Yes, I do. If that's what  
8 makes your case, I -- you have to do what has to be  
9 done if that's the way you prove your innocence,  
10 beyond a reasonable doubt for the prosecutor, you can  
11 use that as a --

12 ATTORNEY VISHNY: If you have doubts about  
13 the methods that they used, will that impact how  
14 you're going to decide the case?

15 JUROR WELLS: Yes.

16 ATTORNEY VISHNY: Okay. And, Mr. Van  
17 Dalen, same questions. You're the other person. I  
18 think I've got everybody now when I come around to  
19 you.

20 JUROR VAN DALEN: I wouldn't have a problem  
21 with it as long as law enforcement is here to defend  
22 themselves. With the documentary I don't think law  
23 enforcement had a chance to defend themselves, it was  
24 all one-sided.

25 ATTORNEY VISHNY: Okay. So it was more

1           about the documentary as opposed to --

2                       JUROR VAN DALEN: That was the beginning of  
3 your question. That's why I brought that up.

4                       ATTORNEY VISHNY: Okay. All right. So,  
5 you know, it comes down to that, and I'm going to  
6 tell you that we are calling a witness who is -- I'm  
7 not going to get very deeply into it, but it is a  
8 retired detective who is a consultant from out of  
9 state to talk about the methods that were used here,  
10 and without getting into the substance, I -- you  
11 know, I'm just going to be frank that, you know, this  
12 is the defense here, and does anybody feel, you know  
13 what, I don't want to hear that? I think it's  
14 unfair, you know, I think the police did the best  
15 they could and they got the right guy and I'm going  
16 to find him guilty? Does anybody feel that way at  
17 this point?

18                               (No response.)

19                       ATTORNEY VISHNY: And because we are  
20 raising this, does anybody feel, you know what, I  
21 don't think anybody should be on this jury? If it  
22 was my loved one -- I want to ask you all to put  
23 yourself in this situation. If your loved one were  
24 on trial today, is there any reason why you would  
25 think you would not want somebody who thinks about

1           these issues we've talked about to be on the jury?  
2           Is that question clear enough for people? Because if  
3           it's not, I can clarify it. I know it's a little  
4           complicated. If my brother, my sister, my son, my  
5           daughter was on trial and a juror walked in kind of  
6           thinking the way I'm thinking, I would not be  
7           comfortable with that juror sitting on my loved one's  
8           case. Is there anybody who feels that way and feels  
9           that because of it you probably cannot be fair to Mr.  
10          Lee in this trial and that it would just be better if  
11          you didn't sit on it?

12                                (No response.)

13                           ATTORNEY VISHNY: Anybody at all.

14                           JUROR O'BRIEN: I don't really  
15          understand.

16                           ATTORNEY VISHNY: Understand the question.

17                           JUROR O'BRIEN: Yeah.

18                           ATTORNEY VISHNY: Is there anyone else who  
19          doesn't understand the question?

20                           (No response.)

21                           ATTORNEY VISHNY: Okay. What I'm asking  
22          you is this. You've come in, you have a certain set  
23          of beliefs, they're not right or wrong. And if  
24          somebody you know is accused of a serious crime, like  
25          murder, like what we have here, would you be

1 comfortable with someone who has your beliefs and  
2 your thoughts walking into the courtroom making a  
3 decision whether your loved one was guilty or not  
4 guilty? Did I clarify that?

5 JUROR O'BRIEN: No. Maybe I'm just really  
6 slow but I'm not understanding.

7 JUROR NICHOLS: I have a question. We  
8 don't know everything, we don't know the evidence, so  
9 it's hard to know what I feel coming in without  
10 hearing all the evidence.

11 ATTORNEY VISHNY: And I'm not asking what  
12 you feel about this case, what I'm saying is we all  
13 -- we just -- we walk through life, we are the  
14 product of our experiences, right? We have certain  
15 beliefs. I have certain beliefs, you have certain  
16 beliefs, right? Each one of you go into the voting  
17 booth and in the privacy of the booth you pull the  
18 lever or mark the thing for who you think is right to  
19 lead the country, right? And I'm not getting in or  
20 asking you about that by the way. Not at all. But  
21 you do. And what I'm saying is, given the kind of  
22 beliefs you have, walking into a courtroom, seeing  
23 the gentleman here who has been accused, seeing the  
24 lawyers, the judge, knowing the police are going to  
25 testify, that they spent a lot of time investigating,

1           that it's being criticized, do you think your set of  
2           beliefs, if it was your -- someone you loved who was  
3           on trial, do you think you would be a fair juror if  
4           they were a stranger? You know, somebody with your  
5           beliefs would be fair to your loved one. Does that  
6           help clear it up for you?

7                       JUROR O'BRIEN: Yeah.

8                       ATTORNEY VISHNY: Okay. All right. I'm  
9           going to take two people have their hands up. One  
10          was first, Mr. Nichols, and I do see you, Mr. Eggers.  
11          So, Mr. Nichols.

12                      JUROR NICHOLS: You keep talking about if  
13          we could take and make a verdict off of the evidence  
14          if it was improperly handled. Now that raises a  
15          question, if it's improperly handled, is it valid,  
16          can it even be provided in court then?

17                      ATTORNEY VISHNY: If things aren't allowed  
18          in court, then you never hear about them. Right.  
19          You only hear about things that are allowed in  
20          court.

21                      JUROR NICHOLS: Exactly. That's why I was  
22          wondering. If there is evidence provided, this  
23          should be substantiated and not just something that's  
24          hearsay.

25                      ATTORNEY VISHNY: Right. Yeah. You have

1 to --

2 JUROR NICHOLS: So you should be able to  
3 take that evidence and make a verdict according to  
4 it.

5 ATTORNEY VISHNY: Right. Anything that  
6 you're going to hear, it's proper, it belongs in a  
7 courtroom, it's just a matter of how you judge it.

8 JUROR NICHOLS: Right.

9 ATTORNEY VISHNY: So did I answer your  
10 question?

11 JUROR NICHOLS: Yes.

12 ATTORNEY VISHNY: Did you have any other  
13 comments on that?

14 JUROR NICHOLS: No.

15 ATTORNEY VISHNY: Mr. Eggers, you had your  
16 hand up before.

17 JUROR EGGERS: When I walked into this  
18 courtroom, it's not my intention to get out of this  
19 chosen jury field here, but what you stated earlier  
20 was that he is a convicted felon already.

21 ATTORNEY VISHNY: Yes.

22 JUROR EGGERS: I'm not against a felon  
23 getting a second chance, but he's here again, so it's  
24 kind of like a pattern which gives me a little bit of  
25 a gray area.



1                   ATTORNEY VISHNY: Okay. So my question is,  
2                   you know -- and I'm really glad you brought this up.  
3                   Thank you very much for doing that. You know,  
4                   because of that fact, do you feel, you know what, I  
5                   really think he's guilty and I just think it would be  
6                   better if I didn't judge this trial because I'm  
7                   biased given that fact? There is nothing wrong with  
8                   that answer, I just want to know what you think.

9                   JUROR EGGERS: I'm torn.

10                  ATTORNEY VISHNY: Okay. All right. And  
11                  that's okay to be torn, but do you think under that  
12                  -- let me just say this. Okay? You know judge's  
13                  give instructions, they talk about being fair, but if  
14                  you say, you know what, he's a felon, did something  
15                  before, something -- I mean there is lots of things  
16                  that can be felonies from minor to major, right?

17                  JUROR EGGERS: Yes.

18                  ATTORNEY VISHNY: So did something before  
19                  so, you know, here's this guy again and, you know, I  
20                  really think he's guilty and it just -- it just  
21                  really influences me to think he's guilty of these  
22                  charges, you know, murder, having a gun when he  
23                  shouldn't have, you know, intimidation of witnesses,  
24                  et cetera, et cetera. Is it better that you not sit  
25                  on this jury because of that? I mean, let me ask

1           this. Is it a strongly held belief that somebody who  
2           has done something wrong in the past is more likely  
3           to do something wrong in the future?

4                   JUROR EGGERS: No.

5                   ATTORNEY VISHNY: Okay. And is it your  
6           belief that because you know this person has done  
7           something wrong in the past in their life that they  
8           are more likely to be guilty?

9                   JUROR EGGERS: Yes.

10                  ATTORNEY VISHNY: Given that that's your  
11          belief, do you think, since you believe that, I'm not  
12          going to be able to change your mind, right? And I'm  
13          not trying to, by the way.

14                  JUROR EGGERS: No. You won't.

15                  ATTORNEY VISHNY: All right.

16                  JUROR EGGERS: I'm sorry. You won't.

17                  ATTORNEY VISHNY: You won't. Okay. Good.

18          I like that. I like strong people. You know, nobody  
19          is trying to change your mind or anything, but given  
20          that that is your belief, is it better -- do you  
21          think it's more fair to Mr. Lee given that you think  
22          that that perhaps you not be on this jury?

23                  JUROR EGGERS: I'm leaning to that fact. I  
24          want to be here, but I'm leaning towards that fact  
25          that I might not be able to be fair.

1                   ATTORNEY VISHNY: Okay. And, you know, so  
2                   what everybody is out after here is a fair trial.  
3                   Okay? We don't know what the result is going to be,  
4                   but everybody wants a fair trial here. So -- and  
5                   that's why we ask all these questions. And I bet you  
6                   if you guys are feeling like, I mean it's getting  
7                   pretty tedious, right, and late and -- but, you know,  
8                   if -- do you feel that because of that that it's just  
9                   something you can't be fair and it's better you not  
10                  sit on the jury? I mean, it's okay to say that.  
11                  Nobody is going to think badly of you.

12                 JUROR EGGERS: Like I said, I'm torn right  
13                 now between both sides. I want to and yet there's  
14                 always that doubt in my mind now that seems to be a  
15                 pattern.

16                 THE COURT: Let me ask this, Mr. Eggers.  
17                 At the end of the day, the -- the big question is --  
18                 unfortunately, you haven't heard any evidence so it's  
19                 difficult to really come to concrete conclusions, but  
20                 at the end of the day do you believe that you would  
21                 be able to, notwithstanding any preconceived ideas  
22                 you may have, to set that aside and to say I will  
23                 judge this case based just on the evidence as I hear  
24                 it?

25                 JUROR EGGERS: Yes.

1                   THE COURT: And do you believe that you  
2 would be able to, if the evidence showed that a  
3 verdict of not guilty was appropriate, could you  
4 render a not guilty verdict?

5                   JUROR EGGERS: Yes.

6                   THE COURT: And vice versa, if the evidence  
7 showed the other the other way, would you be able to  
8 render a guilty verdict?

9                   JUROR EGGERS: Yes.

10                  THE COURT: Attorney Vishny, you may  
11 continue.

12                  ATTORNEY VISHNY: Okay. Does anybody have  
13 the same concerns that Mr. Eggers has raised?

14                  (No response.)

15                  ATTORNEY VISHNY: All right. Let me move  
16 on to a different question then. And it's totally  
17 different area.

18                  How many of you think sometimes maybe the police  
19 might pick on somebody because they do have a prior  
20 felony conviction and make assumptions that that  
21 means somebody's guilty?

22                  Okay. Miss Micke, you think that. Miss  
23 O'Brien, you think that. Mr. Parker, you think that.

24                  Anybody who says, nah, that never happens?

25                  (No response.)

1                   ATTORNEY VISHNY: How many of you have ever  
2                   heard that people give false confessions?

3                   Okay. And I'm not saying that that's what this  
4                   case is about, but is there anybody who believes that  
5                   that never happens, you know, nobody would ever give  
6                   false statements or false -- okay. All right.

7                   Then I'm really getting close to the end here.  
8                   We're all getting excited about it. All right.  
9                   Here's my question. When we come to the end of the  
10                  trial, for those of you who are sitting on the jury  
11                  panel, you're in the jury room and you don't agree,  
12                  and it -- one by one eleven people want to vote one  
13                  way and you want to vote the other way, and I don't  
14                  care which it is so I'm not going to say guilty or  
15                  not guilty, but you're the one, it's very emotional.  
16                  The other eleven people want to get out of there and  
17                  go home and put this behind them, but you have this  
18                  different belief. Can you agree to stand on your own  
19                  analysis and opinion and not be swayed by the emotion  
20                  of the situation? In other words, you can certainly  
21                  be swayed by arguments of the jurors about the facts,  
22                  but not be swayed by the emotion of, you know, gosh,  
23                  everyone is against me, everyone is mad at me, you  
24                  know, I'm sticking out like a sore thumb, I'm holding  
25                  everybody's life up. Is there anybody who feels that

1           that would just be too much pressure for them?

2                           (No response.)

3                   ATTORNEY VISHNY: Does everybody on the  
4           jury understand that if you think there is something  
5           wrong going on in the jury room, you know, people are  
6           talking about evidence that wasn't in the trial or  
7           you're being pressured to vote one way or another,  
8           that you have a right to send a note to the judge and  
9           let them know that there's a problem? Everybody  
10          knows that? You do have that right.

11                          (No response.)

12                   ATTORNEY VISHNY: Okay. All right. I have  
13          a final question, and I want an honest answer just  
14          like everything else. Has anything that I have asked  
15          or said today bothered you so much that it's like,  
16          oh, my God, I can't stand that lawyer and I don't  
17          want to be -- you know, I don't like her, I don't  
18          like her client, you know, and I'm biased. Does  
19          anybody feel that way at all?

20                          (No response.)

21                   ATTORNEY VISHNY: All right. Thank you  
22          very much.

23                   THE COURT: Thank you, Attorney Vishny.

24                   As I had promised, the last question that would  
25          be asked of you would come from me, and the question

1           being as follows: Is there any question that either  
2           I, Attorney Schneider, Attorney Vishny have asked  
3           that you have formed an opinion where you say I just  
4           didn't feel comfortable saying that in a group  
5           setting, I'd like to -- to address it at this time,  
6           or perhaps you've had additional time to reflect and  
7           you say, Judge, you know, I just -- I need to get  
8           this off my chest, I got to tell you something. Is  
9           there anybody who feels that they fit into that  
10          category?

11                 And if so, number one, that's perfectly  
12          acceptable, and we would go through the same type of  
13          format where we would do an individual discussion.  
14          Is there anyone who -- who falls into that category?

15                 Okay. And that would be Mr. Green. Correct?

16                         JUROR GREEN: Yup.

17                         THE COURT: Okay. And so is there anyone  
18          else?

19                         (No response.)

20                         THE COURT: Okay. Then what we'll do is  
21          why don't we convene in the jury room one more time,  
22          and, Mr. Green, then we'll be with you momentarily.  
23          Okay.

24                         (Proceedings held outside the presence of  
25          the jury panel.)

1 (Mr. Green enters.)

2 THE COURT: Mr. Green, you had raised your  
3 hand at the end, and certainly I appreciate that. I  
4 don't know if it was a specific question or just  
5 something you wanted to share. What would you like  
6 to share with us?

7 JUROR GREEN: It was like your question  
8 what would I feel like if I would let a murderer out  
9 or a guilty -- not guilty man in jail, and it just  
10 kind of dawned on me that I think I'm probably the  
11 youngest one in there and I think it kind of -- I  
12 don't think I like having that power of having to put  
13 this man in jail. I don't think I have -- feel  
14 comfortable with that much power on me right now.

15 THE COURT: Okay. And with that  
16 understanding, let me ask this, do you feel that you  
17 would be unable to listen to the evidence and make a  
18 decision one way or the other?

19 JUROR GREEN: No, I think I would be able  
20 to listen to it, but I think, I don't know, I think  
21 it would just kind of bother me a little bit  
22 though.

23 THE COURT: And, certainly, it's a big  
24 burden to be --

25 JUROR GREEN: Yeah.



1                   THE COURT: -- to be charged with this  
2                   task. The -- I would not be asking you to -- I will  
3                   give -- I would give you instructions, I would --  
4                   among other things, I would say that the State has  
5                   the burden of proof and they would have to prove  
6                   their case beyond a reasonable doubt, and if they  
7                   couldn't prove it that you must render a verdict of  
8                   not guilty, and I'd have various instructions such as  
9                   that. Okay? And so I would -- I would be giving  
10                  instructions on how you should analyze this case.  
11                  And do you feel -- at the end of the day the big  
12                  question is if the -- if the evidence came in and the  
13                  evidence said this is how the decision should come  
14                  down, do you feel that you could make that decision?

15                 JUROR GREEN: I feel like -- if I'm in with  
16                  the other jurors and they all of agreed with my  
17                  opinion, then yeah, but it would be like 50/50 or a  
18                  few, I think it would slightly bother me.

19                 THE COURT: Let me ask this another way.  
20                  If the jury were to -- if eleven of the jurors said  
21                  this is the way we should come down and this is the  
22                  right decision, and you -- you in your heart felt  
23                  that that was the wrong answer, would you be able to  
24                  stand strong and say I don't agree with you or would  
25                  you feel that you would give in to the eleven

1           because -- for whatever reason?

2                       JUROR GREEN: I probably would give in to  
3           the eleven.

4                       THE COURT: Okay. Attorney Schneider, do  
5           you have any questions for Mr. Green?

6                       ATTORNEY SCHNEIDER: No.

7                       THE COURT: Attorney Vishny?

8                       ATTORNEY VISHNY: No.

9                       THE COURT: Okay. All right. Mr. Green,  
10          thank you very much, sir.

11                      JUROR GREEN: Thank you.

12                      (Mr. Green exits.)

13                      THE COURT: So my take is let him go for  
14          cause.

15                      ATTORNEY VISHNY: Um-hum.

16                      THE COURT: The -- the question that then  
17          we get to is we've got our -- we don't really need to  
18          do another one because we --

19                      ATTORNEY SCHNEIDER: Put Victoria O'Brien,  
20          Samantha Stockwell in his spot and then we don't have  
21          to.

22                      ATTORNEY VISHNY: Right. I agree.

23                      THE COURT: Okay. So we're okay with that?

24                      ATTORNEY VISHNY: And we don't even need to  
25          change the seat, right, I mean because is there some

1 reason we would have to tell him he's let go?

2 ATTORNEY WEITZ: I mean are we going to go  
3 into strikes right away, so I mean you might as well  
4 just have him sit there and --

5 THE COURT: I mean we could.

6 ATTORNEY SCHNEIDER: Yeah. And if she --  
7 if you just change the chart.

8 THE COURT: I don't know, you were in or  
9 out, did you catch that?

10 THE CLERK: No.

11 THE COURT: So Mr. Green is going to be  
12 taken off the panel, but rather than doing additional  
13 shifting, Miss Stockwell becomes part of the panel,  
14 we're not going to move seats because we don't have  
15 anymore questions, then we'll just go right into our  
16 strikes.

17 THE CLERK: Okay.

18 THE COURT: Everybody is fine with that  
19 approach? You're fine with that approach?

20 ATTORNEY VISHNY: Yes.

21 THE COURT: Okay. So we won't shift  
22 seats.

23 ATTORNEY VISHNY: We end at Stockwell, we  
24 each get seven strikes, the DA goes first.

25 THE COURT: Right. And then I suppose we

1 can just do this right now since we're dealing with  
2 it, rather than stay a lot later and go through all  
3 the witnesses in terms of strikes, we had briefly  
4 asked this idea, we'll start the jury at 9:00  
5 tomorrow, we'll come in at 8:30, we'll do tomorrow's  
6 witnesses in terms of --

7 ATTORNEY VISHNY: You're not going to swear  
8 the jury until tomorrow either, right?

9 THE COURT: The only reason I was going to  
10 swear in the jury tonight is because I was going to  
11 give them a brief order that says no media, no  
12 newspapers.

13 ATTORNEY VISHNY: Do they have to be sworn  
14 for that?

15 THE COURT: I don't know. I mean I can do  
16 it either way. I don't have a strong preference.

17 ATTORNEY MAIER: I mean I don't think you  
18 need to swear them to do that, just as a multiday  
19 voir dire.

20 THE COURT: We'll swear them in first thing  
21 in the morning.

22 ATTORNEY VISHNY: Are you okay with that?

23 ATTORNEY SCHNEIDER: Yes. And tomorrow we  
24 have, I looked, at least I think, I looked quickly, I  
25 think we only have three witnesses tomorrow that

1           might have prior convictions, the other --

2                   ATTORNEY VISHNY: We're not going to have a  
3           problem.

4                   ATTORNEY SCHNEIDER: The other ones have  
5           zero.

6                   THE COURT: So it should be short.

7                   ATTORNEY SCHNEIDER: Yeah.

8                   THE COURT: So --

9                   ATTORNEY VISHNY: Because I don't get this.  
10          We'll figure that out tomorrow. We'll probably come  
11          to an agreement like that, right?

12                   ATTORNEY SCHNEIDER: I would think so.

13                   ATTORNEY VISHNY: We basically agree on the  
14          same principles. I'm not worried about that.

15                   ATTORNEY SCHNEIDER: I just -- when I said  
16          that, there's three people I think -- or no, there  
17          might be four, I have to double-check, that have  
18          anything so it's not going to be 15 we have to talk  
19          about.

20                   THE COURT: Then do we want to do this, do  
21          we want to start at 8:45 if it's only a couple  
22          minutes?

23                   ATTORNEY SCHNEIDER: With the jury? Might  
24          as well.

25                   THE COURT: I'll tell them to be here at

1           8:40 because jurors are notoriously slow here. In  
2           fact, when we -- I'm going to dismiss everybody, have  
3           them stay, Wendy is going to show them where to go  
4           tomorrow morning.

5                       (In open court.)

6                       THE COURT: Ladies and gentlemen, at this  
7           time we are -- have completed the questioning today,  
8           and so what we will do is the parties will partake in  
9           a process of it's called striking the jurors; and  
10          simply what that means is they will make a  
11          determination as to who collectively they feel would  
12          be the most appropriate panel.

13                      And while I will have some brief comments after  
14          the selection is done, I want to, first and foremost,  
15          again, on behalf of myself and the parties, thank you  
16          so very much. I know this has been a long day, but  
17          your attention has been exemplary; and on that same  
18          token, I want you to know that regardless of whether  
19          or not you are selected, you have served an  
20          invaluable service today. And so, again, it is with  
21          great appreciation that I'm able to say thank you  
22          today.

23                      Also, for those who will need, and I imagine I  
24          will give this instruction again as well, for those  
25          of you who may need work excuse slips, we will have

1           those for you.

2                   So at this time we will begin that process.

3                           (Attorneys making selections.)

4                   THE CLERK: When I call your name, please  
5           stand.

6                   Adam Schueller, Chris Parker, Mary Steffen,  
7           Mannie Maas, John Eggers, Dennis Shea, Patricia  
8           Erickson, Cassandra Lee, Frank Bloomer, Jonathon  
9           Nichols, Emily Vandenberg, James Buza, Christine  
10          Naumann, and Gina Paul.

11                  The fourteen of you have been selected to serve  
12          on this jury panel.

13                  THE COURT: Miss Schneider, is this your  
14          jury panel?

15                  ATTORNEY SCHNEIDER: Yup. The notes  
16          reflect it would be accurate, Judge.

17                  THE COURT: Miss Vishny, is this your jury  
18          panel?

19                  ATTORNEY VISHNY: Yes.

20                  THE COURT: All right. Then, for those  
21          individuals who have been selected, I'd ask that you  
22          please be seated, I'll have some additional comments  
23          for you. For those of you who did not have your name  
24          called, I would like to again, on behalf of myself  
25          and the parties, express my sincere appreciation. It

1           has been a pleasure and a privilege to be with you  
2           today, and I do wish you the best. Again, thank you  
3           for your time and for your service.

4                 Likewise, if you do need excuse from work slips,  
5           please come forward, we have those. And lastly, if  
6           you did get a parking ticket, don't forget that those  
7           can be dropped off with our clerk's office but be  
8           sure to place your name on that ticket so that we can  
9           measure it against our jury list.

10                So again, thank you, and at this time you are  
11           excused with the exception of those who are still  
12           part of our pool -- or panel.

13                         (Court in recess.)

14                 THE COURT: Just a couple items of  
15           housekeeping. Number one is I will be expecting for  
16           us to be able to start at nine a.m. tomorrow, so what  
17           I would ask is that you be here about five to ten  
18           minutes early so that we are able to start promptly  
19           at that time.

20                Additionally, and as the parties had indicated,  
21           there are a few beginning arguments or beginning  
22           orders that I would be issuing. The first is that  
23           you not read any of the newspapers or watch any of  
24           the local media stations. Additionally, you should  
25           not do any research that you think may be helpful to



1           you in the issues presented. That is the job of the  
2           attorneys and the parties to present the evidence.  
3           On that same token, you are not to investigate this  
4           case, to go to any of the locations discussed. As  
5           I've already indicated, do not read any newspaper  
6           reports or listen to any news reports. Do not  
7           consult dictionaries, computers or the Internet. And  
8           the purpose of that is because any of that  
9           information may be incomplete, it may be unreliable,  
10          and the parties would not have the opportunity to  
11          address those items. And so I will not -- I will be  
12          issuing those orders, and those orders are to be  
13          considered issued.

14                 Also, while you are serving on the jury, and  
15          again I will reiterate some of these rules to you,  
16          but do not communicate with anyone about this case.  
17          Once the case is completed you will have the  
18          opportunity to discuss it as you desire, but while we  
19          are in the process of trial, I would ask that you not  
20          communicate with anyone about this case.

21                 On that same token, and I'm issuing an order to  
22          you as well as to the parties, you should not  
23          communicate with them. And I say that because,  
24          again, we want to preserve the integrity of the  
25          process. And more importantly, I want you to

1 understand that I give these orders to the attorneys  
2 so that if you by chance see them and you engage in  
3 them with a pleasantry, which is normal and  
4 customary, I don't want you to think they are being  
5 rude, I'm instructing them not to interact with you  
6 just as I'm asking you not to interact with the  
7 parties.

8 With that, as I've indicated, we will begin at  
9 9:00 tomorrow. What I would ask -- and you are free  
10 to leave at this time. However, before you leave, my  
11 wonderful bailiff Wendy here, she is going to take  
12 you and show you what is actually my courtroom, so we  
13 will be there tomorrow. Wendy, would you show them  
14 where the courtroom is and where they should be  
15 meeting tomorrow morning please?

16 THE BAILIFF: Okay.

17 THE COURT: And they can -- Attorney  
18 Schneider, you're okay if our jury is excused at this  
19 time?

20 ATTORNEY SCHNEIDER: Yes.

21 THE COURT: Attorney Vishny?

22 ATTORNEY VISHNY: Yes, Your Honor.

23 THE COURT: Okay. Very good. And again,  
24 thank you. I know it's been a long day. I look  
25 forward to hearing you tomorrow.

1                   (The jury was escorted out of the  
2                   courtroom.)

3                   THE COURT: The parties can be seated. The  
4                   -- we had discussed initially starting at 8:45.  
5                   Attorney Schneider -- I'm sorry, sir. Your name is?

6                   MR. GATTON: Solomon.

7                   THE COURT: And then, Solomon, I was  
8                   informed that there needs to be looking at some of  
9                   the exhibits beforehand and I thought we'd start it  
10                  at 9:00. I'll be here by 8:00, and what we would do  
11                  is I'll allow the parties to do what they need to do,  
12                  just let me know, and then we can go on the record  
13                  beforehand. So we'll have five or ten minutes to do  
14                  that. I don't know that we'll need more time than  
15                  that.

16                  Once the jury comes in, we'll swear them in,  
17                  I'll give them a few brief opening instructions which  
18                  I'll discuss with you in the morning. I know it's  
19                  been a long day, so I'd just as soon not keep you  
20                  here any longer, and then we should be all set.

21                  Anything else, Attorney Schneider?

22                  ATTORNEY SCHNEIDER: The only thing I  
23                  request is that you make the -- give the fair warning  
24                  to the spectators and people who come that they  
25                  shouldn't be using any of their electronic devices in

1 court.

2 THE COURT: I knew I forgot to tell the  
3 jury something too. Yes. I will absolutely. And  
4 I'm sure everyone -- I heard a few buzzings, but I  
5 didn't want to disrupt what we were doing, so I will  
6 make that instruction or admonishment tomorrow  
7 morning certainly, and that will hold true to the  
8 gallery. I'll make sure we have a sign up as well,  
9 although those aren't usually read.

10 Attorney Vishny, anything more this evening?

11 ATTORNEY VISHNY: No. I just need to tell  
12 something to Miss Schneider.

13 THE COURT: Okay. Very good. Then we are  
14 adjourned for the evening; and I will see everyone  
15 tomorrow morning.

16 (Proceedings concluded.)

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## C E R T I F I C A T E

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5     STATE OF WISCONSIN     )  
6     COUNTY OF OUTAGAMIE     ) ss.:

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9             I, JOAN BIESE, RMR/CRR, do hereby certify that I  
10     am the official court reporter for Branch IV of the  
11     Circuit Court of Outagamie County;

12             That as such court reporter, I made full and  
13     correct stenographic notes of the foregoing proceedings;

14             That the same was later reduced to typewritten  
15     form;

16             And that the foregoing proceedings is a full and  
17     correct transcript of my stenographic notes so taken.

15

18             Dated this 12th day of July, 2016.

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JOAN BIESE, RMR/CRR

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